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CONTENTS

PAGE

The Constitutional Position of the Great Lordships of South Wales. By Professor A. J. Otway-Ruthven, Ph.D., F.R.Hist.S. 1

Dr. Joseph Priestley, John Wilkinson and the French Revolution, 1789–1802. By W. H. Chaloner, M.A., Ph.D. 21

The Early History of the Communist Party of Great Britain. By Henry Pelling, M.A., Ph.D. 41

The Origins of the Manor in England. By T. H. Aston, M.A. 59

The Origins of the Office of Coroner. (*The Alexander Prize Essay.*) By R. F. Hunnisett, M.A., D.Phil. 85

The Protestant Constitution and its Supporters, 1800–1829. By G. F. A. Best, Ph.D. 105

The New Agriculture in Lower Normandy, 1750–1789. By Alun Davies, M.A. 129

Presidential Address: Great Historical Enterprises. I. The Bollandists. By Professor the Rev. M. D. Knowles, Litt.D., D.Litt., F.B.A., F.S.A., F.R.Hist.S. 147

Report of Council, Session 1956–57 167

Alexander Prize 177

David Berry Prize 179

Officers and Council, 1957 180

List of Publications i

TRANSACTIONS OF THE
ROYAL HISTORICAL SOCIETY

THE CONSTITUTIONAL POSITION OF THE GREAT LORDSHIPS OF SOUTH WALES

By Professor A. J. Otway-Ruthven, Ph.D., F.R.Hist.S.

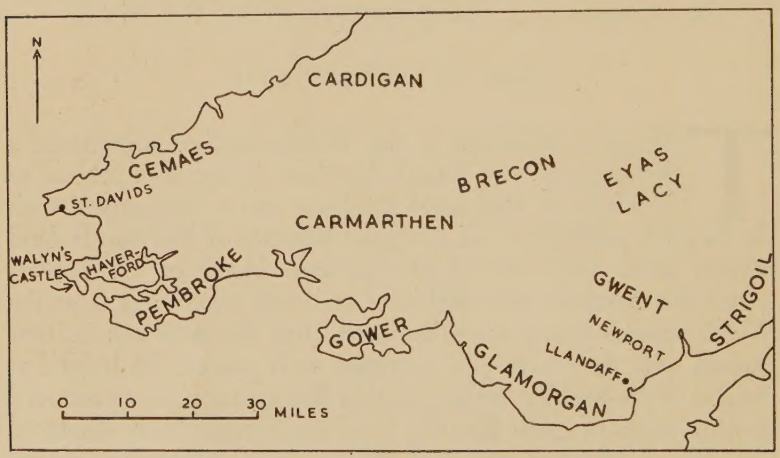
READ 12 JANUARY 1957

THE great lordships of the Welsh marches constituted a phenomenon not found elsewhere in the area subject to the kings of mediaeval England, and a comparison with the English palatinates and the great liberties of Norman Ireland reveals some very remarkable features. Many of the powers which the marchers exercised were no doubt taken over from the Welsh princes whom they displaced,[1] but this does not in itself explain why they were able to retain such powers. In Ireland at the end of the twelfth century another Norman conquest produced another series of great liberties in which Norman lords displaced Celtic kings who had exercised the powers of independent rulers, but the lords of the liberties of Leinster, Meath or Ulster were subject to the control of the royal government at Dublin in the same way as the greater English liberties were subject to royal control, and never attained a degree of independence comparable with the position held by the marchers. The difference seems most easily explained as being due to the simple fact that the marcher position was in essentials established in the reign of Henry I, while the Norman conquest of Ireland occurred two generations later, at the time when Henry II was extending the control of the crown in so many directions.

Immediately after the Norman conquest of England that expansion westwards which had been carried on under the kings

[1] See J. G. Edwards, 'The Normans and the Welsh March', *Proceedings of the British Academy*, xlii. 155–77.

of Mercia was resumed in north Wales. By 1094 the north coast seemed to have been secured, but very shortly afterwards the position was reversed, and even the settlements in the modern Flintshire, which had been part of Mercia, were lost. Norman expansion in north Wales was not seriously resumed till the reign of Edward I. In south Wales, however, things were very different. Here, just at the point where the whole position in the north was crumbling, Norman adventurers were carving out for themselves petty states which were to be the great marcher lordships of the period from *c.* 1100 to 1536, when more than four hundred



years of practically independent life were to be ended by Henry VIII's 'Act for Laws and Justice to be Ministered in Wales in like Fourme as it is in this Realm',[1] which united England and Wales and grouped all the lordships into shires on the model of those of the principality of Wales which had existed since the thirteenth century.[2]

The lordships with which this paper is concerned are principally those along the south coast, from Pembrokeshire to Monmouthshire, and more particularly the greatest of them, Pembroke, Gower and Glamorgan. Except for the occupation of Gwent,

[1] 27 Henry VIII, c. 26.

[2] The history of Wales up to 1282 is best studied in J. E. Lloyd, *A History of Wales from the earliest times to the Edwardian conquest* (2 vols., 3rd edn., London, 1939). The map of South Wales and the Border in the fourteenth century published by W. Rees (4 sheets, Southampton, 1932) is indispensable.

which seems to have been completed by William fitz Osbern before his death in 1071, the conquest of south Wales began in the reign of William Rufus. It seems that the Conqueror, who visited south Wales in 1081, had come to an agreement with Rhys ap Tewdwr, who established himself as the undisputed ruler of the south in that year: at any rate, Domesday Book says that 'Riset of Wales' renders an annual ferm of £40. But by 1088 Bernard of Newmarket had already embarked on the conquest of Brycheiniog (the south of Brecknockshire). In 1093 Rhys was killed in a skirmish with the invaders, and the conquest of the south now began in earnest. Roger of Montgomery, earl of Shrewsbury, was already in possession of Arwystli (part of the modern Montgomeryshire) and now moved first westwards to occupy Cardigan, and then south into Dyfed (Pembrokeshire), which was subsequently granted by the king to Roger's younger son. At an uncertain date Robert fitz Hamon, an important feudal tenant in Gloucestershire, built a castle at Cardiff and occupied the whole of Glamorgan. The Welsh rising which began in 1094, though it was completely successful in the north, achieved no permanent results in the south, and after 1097 the revolt seems gradually to have subsided. Gower seems to have been occupied by Henry of Newburgh in 1099, but the eclipse of the house of Montgomery after the rebellion of 1102 checked further expansion for a time, and when it began again it was under new leaders. Robert fitz Hamon and Bernard of Newmarket remained in Glamorgan and Brecon, and earl Henry of Warwick in Gower, but a royal fortress at Carmarthen, constructed before 1109, was the administrative centre of a district which eventually, after many vicissitudes, became the royal shire of Carmarthen, which, with Cardigan, was part of the principality of Wales as organized by Edward I.[1] Pembroke seems to have been treated as a royal shire for a time,[2] and the forfeited lands of earl Roger of Hereford in Gwent were divided into three, the lordships of Abergavenny and Caerleon, and Netherwent which before 1119 had been given by Henry I to Walter fitz Richard, whose brother, Gilbert,

[1] J. G. Edwards, 'The early history of the counties of Carmarthen and Cardigan', *Eng. Hist. Rev.*, xxxi. 90–8.

[2] The sheriff's account at the exchequer survives in the pipe roll of 1130: J. Hunter, *Magnum Rotulum Scaccarium* (Record Commissioners, 1833), pp. 136–7.

already held Ceredigion, granted to him by the king in 1110. Gilbert's son and successor, Richard, was killed in an ambush in Gwent in 1136 and Ceredigion was lost to the Welsh in the next year, but another son, Gilbert, was created earl of Pembroke by Stephen in 1138, and inherited his uncle Walter's lands in Gwent on the latter's death in the same year. The family of de Clare thus became a dominant power in south Wales.

After this, though Welsh risings took place from time to time, south Wales was on the whole firmly held, and there is no need to trace the political history of the area further, except for the descent of the lordships. The great de Clare inheritance, of which Strigoil (Chepstowe) was the *caput*, passed by marriage to the Marshals after the death of Strongbow, and was partitioned among the Marshal heiresses and their descendants in 1247. Glamorgan, with the earldom of Gloucester, passed to the de Clares, earls of Hertford, by marriage in 1217, and, without the earldom, to the Despensers by another marriage in 1314. In the fifteenth century it passed successively to the Beauchamps and the Nevilles, earls of Warwick, and finally, by Richard III's marriage to Anne Neville, to the crown. The descent of Gower was more complicated: the third earl of Warwick, William (*c.* 1140–1184), is said to have sold it to Henry II. At any rate it was certainly in the hands of the crown in the reign of John, for in 1203 that king granted *terram de Guher* to William de Braose to hold by the service of one knight.[1] William's lands were eventually recovered by his sons, and under Edward I Gower was held by his great-grandson, another William de Braose. At this point the earl of Warwick began a long-continued dispute in an attempt to recover Gower for his family: he was unsuccessful in 1278–80, but in 1352 Thomas, earl of Warwick, got possession of the lordship from John de Moubray, to whom it had passed by marriage, though the Moubrays recovered it by a writ of error in 1396. In the fifteenth century it passed by marriage to the dukes of Norfolk.[2]

In considering the position of the lordships we may start with an examination of their administrative systems. Pembroke, Gower and Glamorgan were all three organized as shires; indeed,

[1] *Cart*[*ae et alia munimenta quae ad Dominium de*] *Glam*[*organcia pertinent*], ed. G. T. Clark (6 vols., Cardiff, 1910), ii. 287–8.

[2] C. A. Seyler, 'The early charters of Swansea and Gower', *Arch*[*aeologia*] *Camb*[*rensis*], 1924, 61–4.

Gower had a *comitatus Anglicanus* and a *comitatus Walshrie*,[1] while Newport or Wenllouk (Gwynllwg), which was originally held together with Glamorgan, but at the partition of the de Clare inheritance in 1314 went with Usk to the D'Audeleys, was organized as a separate county.[2] The shire was the normal pattern of the very great lordship: of Chester and Durham in England; of Meath, Leinster (divided into four shires) and Ulster (divided into five) in Ireland. But these marcher shires were shires with a difference, after the pattern of Chester, which should, indeed, in certain respects be regarded as itself a marcher lordship. Professor Barraclough has written of 'the peculiar amalgamation of ordinary county business and pleas by writ, which made the Cheshire county court unique',[3] but in fact the county courts of Pembroke, Glamorgan and Gower were of exactly the same character as that of Cheshire, entertaining pleas of the crown, pleas by writ, and all the ordinary business of any county court. George Owen of Henllys, in his description of Pembrokeshire, written at the end of the sixteenth century when the old system was still vividly remembered, tells us that the Pembrokeshire court was a court of record and had

> the full and absolute power of the Kinges benche and Comon pleas . . . This Countie Courte upon the bringing in of shire ground[4] . . . was holden to be disolved . . . and in lue thereof a newe Countie Coorte erected by the said statute, holden nowe by the shirieffe alone, not anie thinge approachinge to that old dissolved Countie in prerogative and magnificence.[5]

His statements are amply borne out by the extracts he made from the rolls of the county court,[6] while there is adequate evidence to show that the position was the same in both Glamorgan and Gower.[7] The other lordships of the area do not seem to have been organized as shires: we hear, for instance, not of the *comitatus*

[1] *Cal. Inq. Post Mortem*, xii. 311; *Cart. Glam.*, iv. 1326, 1327.

[2] *Ibid.*, iii. 1056; *Cal. Pat. Rolls*, *1476–85*, p. 474.

[3] G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford, 1953), p. 31.

[4] I.e. by 27 Henry VIII, c. 26.

[5] G. Owen, 'Description of Pembrokeshire', ed. H. Owen, *Cymm*[*rodorion*] *Rec*[*ord*] *Ser*[*ies*], no. 1, vol. i. 210–11, 170.

[6] *Ibid.*, 170–1, 210–11, 451–4, 457–61, 476–8, 485–6.

[7] Rice Merrick, *Morganiae Archaiographia*, ed. J. A. Corbett (London, 1887), p. 33; *Cart. Glam.*, iii. 543, 565, 990–9.

but only of the *curia* of Brecon, which sometimes appears as a witness to charters.[1]

It is curious that this marcher pattern, which was after all that which both Hugh de Lacy, lord of Meath, and Richard de Clare, earl of Pembroke and lord of Leinster, as well as many men who held of them in Ireland, had known in Wales, was not followed anywhere in Ireland. Practical difficulties would have arisen if it had been adopted in Leinster, for this lordship was divided, though not immediately, into four shires. It was the seneschal, not the sheriff, who presided over the county courts of the marcher pattern, and four county courts a month would have been a heavy burden. But there was no such difficulty in Meath, and the most likely explanation is perhaps that by the end of the twelfth century the administrative organization which had been a normal and natural one at its beginning was already seen as archaic, thanks to the work of Henry II.

We do not know very much in detail of the organization of the marcher lordships in the twelfth and early thirteenth centuries. We know that the Marshals had their seneschals of Pembroke, Strigoil and Netherwent, whose functions were presumably the normal ones, and sheriffs and constables of Pembroke.[2] In Glamorgan there was a sheriff by *c.* 1102,[3] and it seems clear that from the beginning he exercised all the functions of a seneschal, who never appeared as such in this lordship. The duties of the normal sheriff of a lordship were performed by the fifteenth century, if not earlier, by the coroner of Glamorgan.[4] In Gower on the other hand there was a seneschal, who is first mentioned in the early thirteenth century, but no doubt existed much earlier, and there was no sheriff: William de Braose's charter of 1306 expressly grants *nec quisquam ballivorum nostrorum imposterum vicecomes denominetur*.[5] Here too by the fifteenth century there was a coroner *Anglissherie Gouherie*, who seems to have performed some at least of the duties of the normal sheriff.[6]

The county court was undoubtedly the chief court of these lordships as long as their independent existence continued. But by

[1] *Arch. Camb.* 1870, p. vi; 1883, pp. 145, 148.
[2] *Cal. Chart. Rolls, 1300–26*, pp. 96–100, 103–6.
[3] *Cart. Glam.*, i. 38.
[4] J. S. Corbett, *Glamorgan*, ed. D. R. Paterson (Cardiff, 1926), pp. 108–16.
[5] *Cart. Glam.*, iii. 997. [6] *Ibid.*, iv. 1554; v. 1642, 1654–5.

the end of the fourteenth century at latest commissions were being issued to justices to hold 'sessions', and in the fifteenth century itinerant justices are frequently referred to, while we find also commissions of oyer and terminer, and there are keepers of the peace (though, as in Cheshire, the justices of the peace seem to have been first introduced by Tudor statutes) and justices of labourers.[1] When Edward IV erected Raglan, previously part of the lordships of Monmouth and Usk, into an independent marcher lordship for William Herbert in 1465 he gave him 'all royal courts and other jurisdictions, powers and authorities as in any other royal lordship in Wales or the marches of Wales with all fines, amercements, issues and profits from the same before their stewards at Raglan, with power of oyer and terminer, an authentic seal for commissions, writs and warrants, and power of appointing justices to hold cessions in eyre and other cessions and courts, and they shall have chattels of felons, fugitives and outlaws, deodands, escheats and forfeitures, as the King has in the said lordship of Usk and Monnemouth or as Richard earl of Warwick and Anne his wife have in her right in the manor and lordship of Bergevenny or the lord of any other royal lordship in Wales.'[2] The implication that every marcher had these rights is unmistakable. The great sessions seem to have been largely occasions for heavy fines and amercements, to escape which the men of a lordship were willing to pay handsomely,[3] and civil jurisdiction seems to have continued to be largely a matter for the county or other courts. But in both Pembrokeshire and Glamorgan the chancery of the lordship seems to have developed its own jurisdiction by the fifteenth century, though it is not improbable that, as in Cheshire, there was one court with both chancery and exchequer jurisdiction.[4]

The date of origin of the Pembrokeshire chancery is uncertain. William de Valence alleged in 1290 that it had existed under the Marshals,[5] but on the whole such evidence as we have about the Marshal chancellors suggests rather a single household chancery

[1] *Cymm. Rec. Ser.*, no. 1, i. 472–3, 486; no. 7, iii. 36, 38, 48–9, 50, 215, 232; *Baronia de Kemeys, Supp. Arch. Camb.* (1862), pp. 84–6.

[2] *Cal. Pat. Rolls, 1461–7*, pp. 425–6.

[3] *Cymm. Rec. Ser.*, no. 7, i. 52; iii. 112; P.R.O. Ministers' Accounts, 1156/22.

[4] *Cymm. Rec. Ser.*, no. 1, i. 155, 486–90; *Morganiae Archaiographia*, pp. 33, 45–7.

[5] *Rot[uli] Parl[iamentorum]*, i. 30.

than a series of separate chanceries for each of their various liberties. It is not till after the partition of the Marshal inheritance in 1247 that we begin to hear of separate chanceries for Pembroke and for the four liberties into which their Irish property was now divided. As a rule there seems to have been no separate chancellor in Pembrokeshire, the seal being held by either the seneschal or the treasurer.[1] In Glamorgan the chancery is not mentioned before 1329, but can hardly have been new at that date.[2] Here too there was no separate chancellor. In Gower William de Braose expressly claimed a chancery among his liberties in 1302, but the jurors of an inquisition taken in 1306 said that the lords of Gower had not had their own chancery and pleas by writ till the time of William's father, who 'usurped and occupied unjustly the royal jurisdiction, to wit, of his chancery, his chancellor, his seal in the same chancery, serving his men and tenants of his said land of Gower, and cognizance of all pleas by his own writs.'[3] The charter of 1306 contains several clauses relating to it, and it would appear that it was not limited by any register of writs, of which, indeed, there seems to be no evidence in the marches. *Si vero petens breve aliquod, et de forma sibi concessa per cancellariam nostram non fuerit contentus, fiat ei breve secundum sui ordinacionem periculo suo, dumtamen juri consonum videatur.*[4]

The financial organization of the lordships is not easy to trace. In Pembroke the treasurer was the second great officer of the county next to the seneschal, with a fee of 100*s.* a year, a winter robe worth 20*s.*, and a summer robe worth 23*s.* 4*d.*[5] The exchequer of Pembroke is occasionally referred to, as is the treasury, where the records of the county were kept, but we know nothing of their workings.[6] In Glamorgan the treasurer is first mentioned in 1313,[7] and there was an exchequer at Cardiff by 1340, which must then have been a well-established institution.[8] It is, however, probable that the earls of Gloucester had used their exchequer at Bristol, the earliest known baronial exchequer, which was in being before 1183,[9] as the financial centre for all their possessions.

[1] *Cymm. Rec. Ser.*, no. 9, iii. 176.
[2] *Cart. Glam.*, iii. 1158.
[3] *Rot. Parl.*, i. 149; W. H. Jones, *History of Swansea and Gower* (Carmarthen, 1920), p. 300.
[4] *Cart. Glam.*, iii. 994.
[5] *Cymm. Rec. Ser.*, no. 7, iii. 126, 140.
[6] *Ibid.*, 22, 66, 148, 176, 215.
[7] *Cart. Glam.*, iii. 1017–19.
[8] *Ibid.*, iv. 1240.
[9] F. M. Stenton, *The First Century of English Feudalism* (Oxford, 1932), pp. 68–9.

We know nothing of the position in Gower, but some at least of the other lordships had exchequers; thus in 1399 a counting cloth to take the accounts on and green cloth to cover the exchequer were bought at Brecon.[1]

The internal organization of the lordships presents some curious features. In Pembrokeshire, for instance, the Marshal partition of 1247 left the county, with approximately its modern boundaries except for the lands of the bishop of St. Davids, which constituted an independent marcher lordship, as a single unit for jurisdictional purposes, but only the southern portion was actually held by the earl. Haverford, which seems to have been originally a separate lordship, though held by the Marshals, was assigned to the daughters of Eva de Braose, and was eventually acquired by queen Eleanor by exchange, thus coming into the hands of the crown at her death in 1290.[2] Walwyn's Castle went to the de Clares and Cemaes to the Bigods. After the partition all the co-parceners agreed in the king's court with William de Valence

> quod omni milites et liberi tenentes de comitatu Pembr' qui ad comitatum illum sectam facere consueverunt temporibus marescallorum et predecessorum nostrorum eandem sectam faciant debitam et consuetam in eodem comitatu de omnibus sectis et placitis quae tractari et terminari solebant coram senescallo et vicecomiti Pembrok' temporibus predictorum marescallorum in eodem comitatu desicut predicta secta et placita dicto domino Willelmo de Valencia et Johanna uxori eius coheredi nostre proparte sua extenduntur.[3]

A somewhat similar situation was created in the partition of Leinster by the division of the lands of the county of Kildare between the heirs of Sybil Marshal and Eva de Braose, the profits of the county being assigned to Sybil's purparty.[4]

[1] P.R.O., Ministers' Accounts, 1157/4.

[2] Eva de Braose had left three daughters, and the queen acquired only two-thirds of the lordship, but the third left in the hands of Roger Mortimer does not seem to have affected the position.

[3] *Cymm. Rec. Ser.*, no. 7, i. 45–9. Certain other outlying parts of the county were also affected by the partition.

[4] For examples of the disputes which arose as a result, see H. G. Richardson and G. O. Sayles, *Rotuli Parliamentorum Hactenus Inediti* (Camden Third Series, vol. li), pp. 37–8, 39.

This position naturally created difficulties, most acute in Haverford, where by 1290 the queen's bailiffs were in effect claiming complete independence for the lordship. William de Valence pursued his claim in parliament, but Haverford became and remained an independent royal lordship.[1] At the same time an attempt had been made to subordinate Cemaes to Haverford, not Pembroke, but here de Valence was more successful: the supremacy of Pembroke was firmly established, and acknowledged by the immediate tenant, William Martin, whose successors at the end of the fourteenth century were regularly paying an annual fine of 13*s.* 4*d.* for relaxation of suit to the county of Pembroke.[2] The respective jurisdictions of the courts of Kemeys and Pembroke were carefully laid down in the agreement: William de Valence was to have cognizance of rape, arson in time of peace, forestall and treasure trove (these were the four pleas which were reserved to the crown in all the great Irish liberties except Meath),[3] appeals for the death of a man, all other felonies without the mainour, and the abjuration of felons before the coroner, pleas by writ and pleas of fresh force, and of all injuries and transgressions of William Martin, his heirs and bailiffs there, with the right of correction where Martin, his heirs or bailiffs, *in justicia facienda remissi fuerint vel justiciam facere denegaverint.*[4]

This detailed statement of the jurisdictional rights of a marcher lord brings us directly to their relations with the crown. And here their position was one of peculiar independence, and all late mediaeval and Tudor opinion agreed that their position was basically different from that of either the palatinates or the great liberties of Ireland. At the end of the middle ages lawyers were saying *il y ad diuers maners de les franchises. Une est Gales ou le briefe le roy ne court mye . . . qar nest parcel de le realme Dengleterre et pur ceo cest court nad pas iurisdiccion la* (Fortescue, C.J.),[5]

[1] *Rot. Parl.*, i. 30–2, 34.

[2] *Rot. Parl.*, i. 68–9; *Cymm. Rec. Ser.*, no. 1, i. 455–7; *Baronia de Kemeys*, pp. 61–2.

[3] *Rotuli Chartorum*, 1, pt. i. 176; Brit. Mus. Add. MS 4790, f. 104d; *Cal. Pat. Rolls*, *1334–8*, p. 429; *Rot. Parl. Hactenus Inediti*, p. 40.

[4] Cf. the charter of Geoffrey de Geneville to his magnates of Meath, *c.* 1266, *Register of Tristernagh*, ed. M. V. Clarke (Irish MSS Commission, 1941), pp. 52–4; *Calendar of the Gormanston Register*, ed. J. Mills and M. J. McEnery (Royal Society of Antiquaries of Ireland, 1916), pp. 5–6, 176–7.

[5] *Year Book*, 36 Henry VI, pl. 33.

or *Gales . . . ne fuit unques parcel del corone, mes le counte palantine fuit parcel del corone et puis exempt* (Brudnel).[1] It was literally true of them, as it was not of the palatinates, that the king's writ did not run in them, not even the writ of error. It was only in two cases that the king's courts had any jurisdiction: if the title to a lordship were in question, and if there were a dispute as to an advowson. *Si un seignorie en Gales soit destre trie il serra trie icye par le course del comen ley et nemy en Gales, mes si terres sont tenus del seignorie en Gales, il serra trie deins le maner et nemy icy* (Fineux).[2] This is a self-explanatory exception, and the second must be connected with the fact that bishops were themselves tenants in chief,[3] and with the relatively late date at which the parochial system developed in Wales, so that control over advowsons would not have been one of the jurisdictional powers which Norman lords inherited from Welsh princes. *Gales . . . nest parcel de le realme Dengleterre et pur ceo cest court nad pas iurisdiccion la sinon que soit des avousons, qar* Quare impedit *serra port icy des esglises en Gales et serra sues en le contie aiornant pur ceo que les iustices ne voillent obeier ascun home la* (Fortescue, C.J.).[4] A hundred and fifty years earlier Roger Mortimer, complaining that the earl of Hereford was bringing a writ of *Quare impedit* against him in Hereford's own court in his franchise of Brekeneu, had said that

> a plea concerning the advowson of a church has not, in the time of any of the king's ancestors, or in the time of Bohun's ancestors, or of any other Marcher, been in their franchises, but only in the court of the king and of his ancestors, by writs of his chancery and before his justices to determine such kind of plea.[5]

But in no other case could the king's courts entertain any plea relating to the marches, and there were thus none of the checks which limited the action of even a palatine earl outside Wales. We should observe, however, that in the last resort there remained the possibility of a complaint to the king in parliament. The statute of Westminster I definitely laid down the principle that

[1] *Y.B.*, 21 Henry VII, Mich., ff. 33b–34. [2] *Ibid.*
[3] See below, pp. 17–18. [4] *Y.B.*, 36 Henry VI, pl. 33.
[5] *Calendar of Ancient Correspondence concerning Wales*, ed. J. G. Edwards (Cardiff, 1935), pp. 181–2.

'if they be done in the marches of Wales or in any other place where the king's writ be not current, the king, who is sovereign lord over all, shall do right there unto such as will complain',[1] and such complaints were from time to time successfully made.[2]

The *jura regalia* of the marcher lord were all-embracing. He had cognizance of all pleas, real and personal, and the pleas of the crown. Pembroke, Glamorgan and Gower certainly held pleas by writ, having adopted Henry II's assizes at uncertain dates—before the middle of the thirteenth century in the case of the first two, but apparently rather later in Gower.[3] Some other lordships do not seem to have held pleas by writ, but this did not impair their exclusive jurisdiction.[4] Moreover, in exercising their jurisdiction they used 'a peculiar law called the lawe of the marchers'.

The law of the marches is unfortunately very imperfectly known to us. Particular points are illustrated by definite statements, but it is possible to form only the most general ideas about by far the greater part of it. It seems clear, however, that it originated in a partial fusion of such customary law as was known to the first conquerors, *c.* 1100, and Welsh customary law, and that the system which thus began developed independently of that development of the common law in England which rendered the customs of *c.* 1100 archaic. No such development would have been possible in even the greatest of English or Anglo-Irish franchises, for the writ of error which ran in all of them meant that the lord must be careful to see that the common law was applied in his court if the writ were not to be used against him, but in Wales this check did not operate, and local usage could prevail unhampered.

It is of great interest that the first conquerors showed, as far as we can tell, no antipathy to Welsh customary law, for two generations later the first conquerors of Ireland, many of them themselves great marcher lords or their men, seem to have made no attempt whatever to incorporate Irish custom into their own, and by the second half of the thirteenth century opinion had

[1] Statute of Westminster I, c. 17.

[2] See the instances noted in W. Rees, *South Wales and the March* (Oxford, 1924), pp. 49–51.

[3] See above, p. 8.

[4] For instance, Wigmore (*Rot. Parl.*, iii. 671; *Cal. Close Rolls, 1409–13*, p. 207). But the bishop of St. David's held pleas by his own writs (*Cal. Chart. Rolls, 1327–41*, pp. 188–9).

hardened so far that in 1277 Edward I writes that 'the laws which the Irish use are detestable to God and so contrary to all law that they ought not to be called laws',[1] while archbishop Pecham, writing to Llywelyn in 1280, says:

> Ostensis nobis legibus Horlida, quibus Wallenses uti dicuntur, plura vidimus irrationabilia contineri, quae etiam a vestratibus condemnantur . . . Omnino autem consuetudines vestrae videntur justitiae adversari, quum homicidia et alia plura crimina sententialiter non dampnatis, discordias et(iam) litigantium cogendo eos ad pacem ineundam, et non per rationis calculum ut dicitur terminatis. Incendia et alia gravamina sustinens, et multa alia quae nobis sub sigillo autentico distincte per articulos a vestris partibus sunt transmissa, quae utriusque Testamenti legibus derogant manifeste.[2]

Even in Ireland, of course, Irish custom does seem, in the course of time, to have had a certain influence on the administration of the criminal law,[3] and in Wales the statute of Wales allowed Welsh custom to be used in the principality on certain points of civil, though not criminal, law. But it is very remarkable that the law of the marches clearly allowed for the existence of Welsh fees, partible among all the heirs and descending according to Welsh rules, side by side with English fees, which were held according to the ordinary rules of feudal law.[4] An example of the survival of an archaic rule of Anglo-Norman customary law is the lord's right to the goods of an intestate tenant.[5] And in a number of lordships there were Welsh courts as well as English courts, each no doubt applying its own law.[6] This remarkable legal structure, so unlike anything that existed in the other areas of Norman conquest, can only, I think, be explained by the date of the conquest of south Wales, before the common law had begun to develop, and at a time when the existence of divergent

[1] Rymer, *Foedera*, I, ii. 540.

[2] *Registrum Johannis Peckham*, ed. C. T. Martin (Rolls Series, 3 vols., 1882–6), i. 135–7.

[3] See J. Otway-Ruthven, 'The native Irish and English law in Mediaeval Ireland', *Irish Historical Studies*, vii, 13–14.

[4] See e.g. *Baronia de Kemeys*, pp. 72–4.

[5] *Ibid.*, p. 71, and see *Cymm. Rec. Ser.*, no. 1, iii. 177.

[6] *Cart. Glam.*, iii. 831; iv. 1301–2; vi. 2277–8; Corbett, *Glamorgan*, p. 229; above, p. 5.

local customs seemed normal and proper, as it no longer did by the end of the twelfth century.

Besides their rights of exclusive jurisdiction, the marchers had all the other royal prerogatives: forest rights, treasure trove, wreck of the sea, royal fish.[1] The apocryphal statute *de prerogativa regis*, which seems to reflect the practice of the reign of Edward I, lays down that the king has prerogative wardship except in the fees of the archbishop of Canterbury, the fees of the bishop of Durham between Tyne and Tees, and *exceptis feodis comitum et baronum de marchia in marchia ubi brevia regis non currunt et unde predicti comites et barones habent hujusmodi custodias licet alibi tenuerunt de rege*.[2] They had also deodands, and of course all other forfeitures, including the escheat of traitors' lands.[3] A deserted fief automatically escheated to the lord.[4] These, however, were not rights peculiar to the marchers: they might all be enjoyed by the lords of very great liberties in England or Ireland.

The best known feature of the custom of the march is probably the claim of the marchers to settle disputes not only by friendly agreement at a 'day of the March', a claim expressly accepted by Edward I in 1280,[5] but also *viribus armatis et vexillis explicatis*. This was to lead under Edward I to an effective demonstration of the strength of the monarchy, which was, however, only one of a number of instances in which that king attacked the marcher position.

In form the Edwardian settlement of Wales left the marcher lordships undisturbed. The statute of Wales did not apply to them in any way, and they were left with their existing immunities, structure, and legal system intact, while the key to the position of the marcher lord after 1284 was that he held directly of the crown, not of the principality of Wales, and was therefore independent of the justices of north or south Wales, who administered the principality. There seems to have been some ambiguity in the charter of 1343 which granted Wales to the Black Prince, and all the marchers were expressly ordered to be

[1] *Cal. Chart. Rolls, 1300–26*, pp. 103–6 (charters of the Marshals to Tintern); *ibid.*, pp. 475–7 (charter of Walter de Lacy, lord of Ewyas, to Llanthony Prima).

[2] *Statutes of the Realm*, i. 226. This was also the position in Leinster and Meath (*Rot. Chart.*, 1, i. 176; *Close Rolls, 1251–3*, p. 363).

[3] *Baronia de Kemeys*, pp. 41–2.

[4] *Cal. Inq. Misc.*, ii, no. 1095.

[5] *The Welsh Assize Roll*, ed. J. C. Davies (Cardiff, 1940), pp. 309, 315.

intendant to him on May 13,[1] but a statute of 1354 explicitly declared that *touz les seigneurs de la marche de Gales soient perpetuelement entendantz et annexes a la corone Dengleterre, come ils et leur auncestres ount este de tout temps avant ces heures, et nounpas a la principalte de Gales, en qi mains que meisme la principalte soit ou devendra apres ses heures.*[2] In the grant made to the Black Prince's son in 1376 there were expressly reserved to the crown 'the fees of lords of the march of Wales who of old time were tenants of the crown'.[3]

But while the statute of Wales did not apply to the marchers, Edward I was not prepared to tolerate all their claims.[4] And here it should be observed that the later part of his reign shows a consistent pattern of bringing pressure to bear on the greatest franchises throughout the British Isles, taking different forms as opportunity offered. In Durham he forced Bishop Bek to grant a charter to the community of the liberty in 1303; in Ireland he obtained the surrender to himself of two of the great liberties of Leinster: Kildare, surrendered by William de Vescy in 1297, and Carlow, obtained in 1305 by the well-known bargain with the earl marshal, while half the great liberty of Meath was reduced to the position of an ordinary county. In Wales there was not only the well-known struggle between the earls of Gloucester and Hereford, but other instances of equal interest and importance, and the whole attitude of the crown in this area does much to explain why the earls, themselves great marcher lords, complained

[1] *Cal. Chart. Rolls, 1341–1417*, pp. 14–15.

[2] *Statutes of the Realm*, i. 345. [3] *Cal. Close Rolls, 1374–7*, p. 420.

[4] It is sometimes objected that in 1282 Edward I created in his conquests in north Wales new liberties on the model of such liberties as Pembroke or Glamorgan. But apart from the inherent improbability of this, the charters of the new lordships convey no specific liberties whatever: Bromfield is to be held 'as fully and wholly as David son of Griffin, the king's enemy and rebel, held it'; Ruthin 'as other neighbouring cantreds are held'; Denbigh 'with all things pertaining to those cantreds and commotes'. (*Cal. Chancery Rolls Various, 1277–1326*, pp. 240, 241, 243.) At this period royal lawyers would certainly have been prepared to deny that such 'general words' could convey any *jura regalia* of importance, and it is most unlikely that it was Edward's intention that they should. (Cf. T. F. T. Plucknett, *Legislation of Edward I* (Oxford, 1949), pp. 38–45, and below, p. 19.) Moreover, most of these new lordships were held of the principality, not of the crown (W. H. Waters, *The Edwardian Settlement of North Wales* (Cardiff, 1935), pp. 87–96. See above, p. 14).

in 1297 that *non tractantur secundum leges et consuetudines terre secundum quas tractari antecessores sui solebant, nec habent libertates quas solebant habere, sed voluntarie excluduntur.*[1]

The origins of the quarrel between Gloucester and Hereford are too well known to need repetition, but when in 1290, after a royal proclamation against private war, they resorted to it to settle their differences, appealing to the custom of the marches, the king appointed commissioners to investigate the whole matter

> per sacramentum tam magnatum quam aliorum proborum et legalium hominum de partibus Wallie et comitatibus Glouc' et Herf' . . . ita quod nulli parceretur in hac parte, eo quod res ista dominum regem et coronam et dignitatem suam tangit.

A fair number of the marcher lords thus summoned appeared, but when they were required to take the oath,

> omnes unanimiter respondent quod inauditum est quod ipsi vel eorum antecessores hactenus in huiusmodi casu ad prestandum sacramentum aliquod coacti fuerunt. Dicunt et quod nunquam consimile mandatum regis invenit in partibus istis nisi tantum quod res tangentes marchiam istam deducte fuissent secundum usus et consuetudines partibus istarum.

The persuasions of the commissioners, who pointed out that *nullus in hac parte potest habere marchiam domino regi, qui pro communi utilitate per prerogativam suam in multis casibus est supra leges et consuetudines in regno suo usitatas*, were useless: the marchers said obstinately they could do nothing without the judgement of their peers, though they did not prevent their tenants from serving on the jury, with the exception of Theobald de Verdon, lord of Ewyas Lacy, and lord also of half Meath, who had his own grievances in that he had been refused in his purparty of the de Lacy inheritance there those royal liberties which had been granted to Hugh de Lacy by Henry II, and were being freely exercised under his eyes by Geoffrey de Genville in the other half of Meath.[2] Theobald *calumpniavit libertatem suam quo ad hoc quod dicit quod homines de terra sua non debent hic jurare.* He was himself involved in a similar case at the com-

[1] W. Rishanger, *Chronica*, ed. H. T. Riley (Rolls Series, 1865), p. 175.

[2] *Calendar of Documents relating to Ireland*, ed. Sweetman, vol. ii, nos. 1645, 1670, 1673; vol. iii, no. 525.

plaint of the prior of Llanthony, and was condemned when it was tried at Michaelmas 1291.

The commissioners reported to the king, and the case was finally disposed of in parliament at Michaelmas, 1291, judgement being passed in January 1292. Gloucester was clearly guilty, and Hereford was also condemned on rather flimsy grounds arising out of incidents which had occurred since the commission in the marches. *Quia hec omnia audacius et presumptuosius per ipsum comitem et homines de Breghennok fiebant, credentes per libertatem suam marchie possent evadere e pena et piaculo que merito incurrisse debuissent si extra marchiam alibi in regno talem excessum perpetrassent*, he was condemned to imprisonment and the loss of the liberty, while a similar sentence was passed on Gloucester. Both were subsequently allowed to make fines with the king, but the principle which he had been concerned to assert had been effectively vindicated, though his successors did not maintain the position.[1]

Meanwhile another point of great importance was being settled in favour of the crown. The bishops were everywhere regarded as tenants in chief, though the point hardly arose in England. In Ireland the *crociae* were expressly reserved to the crown in the charters of all the great liberties, and included not only episcopal lands, but also all monastic lands within the area of the liberty.[2] In Wales, however, though the bishop of St. David's was himself a marcher lord, holding directly of the crown, the bishop of Llandaff was for two centuries treated as a sub-tenant by the lords of Glamorgan, and apparently also by the lords of Gower, Brecon and Netherwent. This claim involved the right to the custody of the temporalities *sede vacante*, and seems to have been first questioned in 1241, when the earl of Pembroke was summoned to show what right he had in it and replied that he claimed only because of the wardship of the lands of Richard de Clare, *unde dicit quod predictus Ricardus et alii barones in provincia illa vacante sede illius episcopatus et cujuslibet alterius debent singuli*

[1] *Rot. Parl.*, i. 70–7; J. E. Morris, *The Welsh Wars of Edward I* (Oxford, 1901), pp. 220–39; F. M. Powicke, *Henry III and the Lord Edward* (2 vols., Oxford, 1947), ii. 678–81; J. G. Edwards, 'The Normans and the Welsh March', *Proc. Brit. Acad.*, xlii. 170–4, where the position of the right of private war as an inheritance from the Welsh rulers is clearly brought out.

[2] J. Otway-Ruthven, 'Anglo-Irish Shire Government in the thirteenth century', *Irish Historical Studies*, v. 5, 7–8.

ipsorum habere custodiam terrarum que de ipsis tenentur, salva solummodo domini regi dignitate crocie.[1] Nothing more seems to have been done at the time, nor does the question seem to have been raised at the next two vacancies. But when bishop William de Breos died in 1278 the escheator south of the Trent was ordered to enter into the temporalities, and found the bailiffs of Gloucester, Norfolk, Hereford and de Braose already in possession. Norfolk and Hereford, however, said that this had been done without their knowledge and they claimed no such right; de Braose, though he claimed that his predecessors in the two previous vacancies of the see in 1256 and 1266 had had the custody of the lands, *dicit quod de jure illius custodie erga dominum regem non vult contendere.* Gloucester, however, was concerned to press his claim, urging that the lands of the bishopric were in exactly the same position as any other lands in Glamorgan, while on behalf of the king it was claimed that the custody belonged *ad nos et nostre corone dignitatem, sicut in ceteris ecclesiis cathedralibus regni nostri Anglie, de jure et regni consuetudine*, and that the bishop held of the king in chief. Finally, his claim having been rejected, Gloucester surrendered the custody to the king, receiving in return a grant in survivorship to himself and Joan of Acre. Later, when they were both dead, Edward II granted the custody during vacancies to the chapter of Llandaff in perpetuity.[2]

It was over the position of one of the bishop's manors that a great dispute as to the position of the lordship of Gower began in 1299. In that year the bishop complained to the king that de Braose was compelling his tenants of Bysshopeston in Gower to do suit at his court of Swansea. This led to proceedings in parliament, in which William complained that against all precedent the constable of Carmarthen summoned him and his ministers to answer in Carmarthen, and had outlawed his ministers when they did not appear, *la ou nul home doit avoir conisance de luy ne de sa gent de Gower forsque devant le corps le roy mesmes.* On behalf of the king it was claimed that William, his ancestors, and the tenants of Gower had always done suit at Carmarthen, and that Gower was part of that county. In reply, William pleaded John's charter, and said that he and his ancestors had ever since had in

[1] *Placitorum Abbreviatio* (Record Commissioners, 1811), p. 109.

[2] *Rot. Parl.*, i. 42–3; *Cal. Chart. Rolls, 1257–1300*, p. 372; *Cal. Pat. Rolls, 1281–92*, p. 393; *1317–21*, p. 118; *Cal. Fine Rolls, 1307–19*, pp. 355–6.

Gower *omnimodam jurisdictionem regalem de tenentibus ejusdem terre et cognitionem omnium placitorum in dicta terra qualitercumque emergencium*, without ever doing suit to the county of Carmarthen or answering there for any matter. The answer might have been dictated by Bracton:

> cum jurisdictio regalis quam dominus Willelmus qui nunc est habere clamat in terra predicta de Gower per cartam predictam in eadem specialiter non sit nominata nec antecessori ipsius Willelmi expresse concessa, nec talis libertas de jure communi dici poterit esse pertinens alicui terre quamquam terra predicta cum suis pertinenciis antecessori suo fuerit data et concessa, cum talis libertas mere ad coronam regiam pertineat et non ad terram aliquam, nec a corona per verba communia, nisi specialiter sit expressa et nominata, poterit separari.

At a later stage it was added that even if the liberties claimed by William had been enjoyed by the earls of Warwick they were extinguished when Gower came into John's hands *quod libertates regales, que corona regis prius fuerunt pertinentes et illi corona retornata et reannexe non poterunt a corona illa per talia verba generalia 'cum pertinenciis' etc. aliquo modo separari.*[1] Finally in 1304 the king granted de Braose liberties in Gower equal to those of the lord of Glamorgan, but brought pressure to bear which resulted in February 1306 in the grant to the men of the English county of Gower of a great charter of liberties which considerably limited the power of the lord and clearly established the position of the *comitatus Anglicanus* and the rights of its suitors.[2]

Edward I's successors were less concerned than he had been with the problems of the marches, and in the fourteenth and fifteenth centuries, apart from the Welsh wars of Henry IV's reign, the marchers seem to have been relatively free from royal intervention. But the anomalous position of the marches became more and more obvious as in the fifteenth century, whether by marriage, inheritance, or escheat, lordship after lordship fell in to the crown. The council of the marches could be only a temporary expedient, and the act of union was a logical part of the

[1] *Placitorum Abbreviatio*, p. 241; *Rot. Parl.*, i. 148–50. De Braose was unlucky in holding by charter; all the other southern marchers held by prescription, or, in Pembroke, by grant before the time of legal memory.

[2] *Cart. Glam.*, iii. 990–9.

policy which under Henry VIII took almost all the remaining great immunities of Ireland into the king's hand and, in England, reshaped the administration of Cheshire, clipped the wings of the bishops of Durham and Ely, and allowed the other great ecclesiastical franchises to lapse with the dissolution of the monasteries.[1]

[1] I am greatly indebted to Dr. H. M. Cam, who allowed me to discuss a number of points with her.

Erratum: In the map on p. 2 'Walyn's Castle' should read 'Walwyn's Castle'.

DR. JOSEPH PRIESTLEY, JOHN WILKINSON AND THE FRENCH REVOLUTION, 1789–1802

By W. H. Chaloner, M.A., Ph.D.

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LIKE Jacobitism and Chartism, the study of the influence of the French Revolution on British politics and public opinion has attracted a good deal of sentimental interest, but it is a curious fact that with the exception of Professor Alfred Cobban's anthology (*The Debate on the French Revolution, 1789–1800* (1950)), A. H. Lincoln's *Some Political and Social Ideas of English Dissent, 1763–1800* (1938), and a few scattered articles comparatively little appears to have been published since 1926 on the subject.[1] It has therefore never been examined in the light of those trends in historiography associated with the names of Unwin and Namier.[2]

[1] Mary C. Park's dissertation on 'Joseph Priestley and the problem of Pantisocracy', *Proceedings of the Delaware County Institute of Science*, Media, Pa., xi, no. 1 (1947), 1–60; a chapter in A. Temple Patterson's *Radical Leicester* (1954) on 'Leicester politics and the French Revolution, 1789–96'; H. J. Collins's chapter on 'The London Corresponding Society' in *Democracy and the Labour Movement*, ed. J. Saville (1955), pp. 103–34; Eric Robinson's articles on 'The English "Philosophes" and the French Revolution', *History Today* (Feb. 1956), 116–21, and 'An English Jacobin: James Watt, jun. 1769–1848', *Cambridge Historical Journal*, xi (1953–5), 349–55; and F. Knight, *The Strange Case of Thomas Walker* (1957).

[2] Among the older works may be cited: J. G. Alger, *Englishmen in the French Revolution* (1889); W. T. Laprade, *England and the French Revolution, 1789–1797* (1909); S. H. Jeyes, *The Russells of Birmingham in the French Revolution and America, 1791–1814* (1911); H. W. Meikle, *Scotland and the French Revolution* (1912); W. P. Hall, *British Radicalism, 1791–1797* (1912); G. S. Veitch, *The Genesis of Parliamentary Reform* (1913); H. N. Brailsford, *Shelley, Godwin and their Circle* (1913; repr. with bibliographical postscript, p. 254, in 1942); P. A. Brown, *The French Revolution in English History* (1918); Robert Birley, *The English Jacobins from 1789 to 1802* (1924); E. Colby (ed.), *The Life of Thomas Holcroft* (2 vols., 1925); Dumas Malone, *The Public Life of Thomas Cooper* (1926); and F. K. Brown, *The Life of William Godwin* (1926).

This paper is based primarily on a collection of letters, sixty-nine in number, mainly from Dr. Joseph Priestley (1733–1804) to John Wilkinson (1728–1808) the ironmaster, which have been for many years deposited in Warrington Public Library.[1] They range in date from 1789 to 1802 and therefore cover that period of Priestley's life which is of most interest to modern historians. They do not, however, give a complete picture of his closing years; references to Priestley's scientific work are purely incidental, although there are many valuable details of the Birmingham riots of 1791 in which Priestley lost his house and much of his personal property. Wilkinson's interests in the correspondence were primarily those of a businessman. He was no Wedgwood, although he occasionally attended the Lunar Society's monthly dinner-meetings as a guest, and seems to have read some, at any rate, of the books and pamphlets which his illustrious brother-in-law so regularly sent him. Therefore the letters relate mainly to economic and personal matters. Wilkinson's replies, with one exception, a draft, appear to have been among the papers destroyed by Joseph Priestley, jun., after his father's death in 1804.[2] There is on this account not much evidence of his reactions to Priestley's opinions about the progress of the French Revolution. Wilkinson was essentially 'independent', a man of means, able, if not always willing to provide a career for a young man or to subsidize dependants; the kind of patronage which is the central theme of these letters.

The connection between the Wilkinson family and Dr. Joseph Priestley began in or shortly after 1758 when John Wilkinson's father, Isaac, ironmaster, of Bersham furnace near Wrexham, sent his youngest son William Wilkinson to the excellent school conducted by Priestley at Nantwich in Cheshire where he was minister to the Presbyterian congregation. Isaac and his wife were Nonconformists, being members of the Dissenting congregation, then of the Presbyterian persuasion, meeting at the Chapel in Chester Street, Wrexham.[3] John Wilkinson himself had been educated at Dr. Caleb Rotheram's Dissenting Academy at Kendal

[1] Two, for example, are copies of letters from Thomas Jefferson to Priestley.

[2] M. C. Park, *op. cit.*, 15.

[3] A. N. Palmer, *History of the Older Nonconformity of Wrexham* (1888), p. 135; J. Hall, *History of the town and parish of Nantwich* (1883), pp. 388–90.

in the early 1740's.[1] When Priestley left Nantwich in 1761 to become tutor in languages and *belles lettres* at the recently-founded Warrington Academy, William Wilkinson, then about 17 years old, is stated to have followed him thither as a pupil, and shortly afterwards became his brother-in-law. For on June 23, 1762, Dr. Joseph Priestley and Mary Wilkinson, one of Isaac Wilkinson's three daughters, were married in Wrexham parish church.[2]

Priestley characteristically lamented the fact that he had received 'little fortune' with the ironmaster's daughter, 'in consequence of her father becoming impoverished, and wholly dependent on his children, in the latter part of his life', but equally characteristically added: 'I unexpectedly found a great resource in her two brothers [John and William], who had become wealthy, especially the older of them.'[3] By the 1780's John Wilkinson had built up an industrial empire with ironworks at Bradley in Bilston, Staffordshire, and at Broseley and Snedshill in Shropshire, while William Wilkinson, after a period as managing partner at Bersham furnace, had emigrated to France in 1776–7, to take service with the French Government, first as the builder and *régisseur* of the state ironworks and cannon foundry on the island of Indret in the River Loire near Nantes (1777–80) and later (1781–5) as technical adviser in connection with the state ironworks of Le Creusot at Montcenis (Saône-et-Loire).[4] William Wilkinson bore the reputation of having been tainted with French modes of thinking. C. J. Apperley ('Nimrod') described him later as 'one of those no-God, no-devil, no-king sort of men, which prevailed to a certain extent, even in England' at the height of the French Revolution.[5]

The two brothers 'acted the part of kind and generous relations' to Priestley in 1780, when his employment with Lord Shelburne came to an end, and his affairs consequently 'wore

[1] *Commercial and Agricultural Magazine*, i, no. 4 (Nov. 1799), 229.

[2] Rev. H. McLachlan, *Warrington Academy: its history and influence*, Chetham Soc., new ser., cvii (1943), 18; *The Athenaeum* (ed. Dr. J. Aikin), iii (Jan.–June 1808), 393.

[3] *Memoirs of Joseph Priestley to the year 1795* (1806), p. 15.

[4] W. H. Chaloner, 'Les frères John et William Wilkinson et leurs rapports avec la métallurgie française, 1775–1786', *Le Fer à travers les Ages: Hommes et Techniques*, Annales de l'Est (Nancy, 1956), 285–301.

[5] *Fraser's Magazine* (April 1842), 411: 4th instalment of 'My Life and Times' by 'Nimrod'.

rather a cloudy aspect'.[1] John Wilkinson's proposal that his sister and his now famous brother-in-law should settle near him in the Black Country was instrumental in leading Priestley to decide upon a permanent residence in Birmingham, where his election to the position of junior minister of the New Meeting took place in 1780. John soon provided a house for him at Fairhill in Birmingham, and as the *Gentleman's Magazine* noted in its issue for 1787, Priestley was thereby rendered 'independent of the patronage of the great; Mr. [John] Wilkinson being in possession of a fortune of 80,000 *l.*, all acquired by his own industry.'[2]

In 1786 John Wilkinson suffered a severe blow from the loss of his only child, Mrs. Mary Houlbrooke.[3] His quest for someone to succeed to his concerns led him to adopt as his heir Joseph Priestley, jnr. (1768–1833), the doctor's eldest son. Young Priestley began to learn the trade of ironmaster at Bradley ironworks in South Staffordshire, but after nearly four years' apprenticeship John Wilkinson decided that he was unsatisfactory and the two men parted in 1790,[4] much to Dr. Priestley's disappointment. Wilkinson also refused to employ William Priestley, another of the doctor's sons.[5]

It must be remembered that Priestley was one of the founders of the Unitarian faith, which aimed at making Christianity 'rational' (a typical eighteenth-century endeavour) by purging it of such unscientific accretions as the Virgin birth and the divinity of Christ. Unitarians were therefore widely regarded as little better than deists, who in turn were considered to be almost atheists, and Unitarianism came to be looked upon, in spite of the obvious material respectability of its adherents, as theologically the least respectable Nonconformist sect. At the time when the corres-

[1] *Memoirs* . . . , p. 96. Priestley had for seven years (1773–80) been librarian and political research assistant to William Fitzmaurice-Petty (1737–1805), second earl of Shelburne, and first marquis (1784) of Lansdowne, who as First Lord of the Treasury (1782–3) conceded independence to the U.S.A. After leaving Shelburne's service Priestley continued to receive a pension of £150 a year from him and remained on friendly terms with Benjamin Vaughan, who became a member of Shelburne's group in the House of Commons (see below, p. 30).

[2] lvii, pt. ii, 1161.

[3] Parish Registers, Market Drayton, Salop, *sub anno* 1785 and Moreton Say, Salop, *sub anno* 1786.

[4] *Christian Reformer*, xix (1833), 499–50.

[5] Dr. J. Priestley to John Wilkinson, Nov. 3, 1790, Jan. 20, 1791.

spondence begins Priestley had already begun to take a prominent part in the renewed agitation for the repeal of the legislation imposing civil disqualifications on Nonconformists, in particular the Test and Corporation Acts. In 1787 he had published *A Letter to the Right Honourable William Pitt, First Lord of the Treasury and Chancellor of the Exchequer; on the subject of Toleration and Church Establishments; occasioned by his speech against the repeal of the Test and Corporation Acts, on Wednesday, the 21st of March 1787.* The defeat of Fox's motion of March 2, 1790, on the same subject is said to have been brought about in part by the injudicious publication of Priestley's *Familiar Letters* of 1790.[1] In these letters Priestley called upon the clergy of the Established Church to avert revolution in England by introducing reforms, and, letting his imagination run riot for once, he described his unpopular theological efforts as 'grains of gunpowder' for which his opponents were furnishing the lighted match.

The obvious contrast to these proceedings was provided by the proclamation of the removal of religious disabilities in France (August 1789), and considerable sympathy with the French Revolution naturally existed in the Priestley-Wilkinson family circle, combined with general hostility towards the established order in Church and State, although the degrees of feeling naturally varied from individual to individual. William Priestley (1771–*c.* 1835), the doctor's second son, wrote home enthusiastically from Paris about the fall of the Bastille in 1789, and while the doctor himself later refused a seat in the national Convention of 1792, he told William in June of the same year to 'go and live among that brave and hospitable people, and learn from them to detest tyranny and love liberty'.[2] On June 8, 1792, William was granted letters of naturalization as a French citizen by the National Assembly, and on the following August 26th his father also had the same honour conferred upon him, and did not reject it.[3] In

[1] *Familiar Letters, addressed to the Inhabitants of the Town of Birmingham, in Refutation of several Charges advanced against the Dissenters, and Unitarians, by the Rev. Mr. Madan,—Also Letters to the Rev. Edward Burn, in Answer to his on the Infallibility of the Apostolic Testimony concerning the Person of Christ. And Considerations on the Differences of Opinion among Christians, in Answer to the Rev. Mr. Venn* (1790).

[2] J. G. Alger, *op. cit.*, 14.

[3] J. T. Rutt, *The Theological and Miscellaneous Works of Joseph Priestley* (25 vols., 1817–1831), i, pt. ii (letters of June 17 and 22, 1792, xxi. 87, 594).

Wilkinson's case a disgruntled and anarchistic attitude towards the British Government on matters connected with his business affairs, can be traced back to the years of the American War. His general maxim was:

'Manufacture and Commerce will always flourish *most* where Church and King interfere least.'

Early in 1791 Dr. Priestley published a reply to Burke's *Reflections on the Revolution in France*,[1] about which he wrote to John Wilkinson on January 20 of that year: 'I am pleased to hear that you liked my *Letters to Mr. Burke*. We are printing the third edition; one thousand for each of the two first and fifteen hundred for this.' About a month later he asked Wilkinson to repay a £600 loan in order that he might set Joseph up in life.[2] Wilkinson did so,[3] and between 1791 and 1793 Joseph tried unsuccessfully to make a living in business at Manchester. Although he failed, he took an active part in Radical politics in the town, helped to found in 1792 the institution known as the Manchester Reading Society or the New Circulating Library,[4] and became a close friend of Thomas Cooper. Joseph had just settled in Manchester when his father's house in Birmingham was sacked and destroyed by the Church and King mob (July 14, 1791). The details of this episode are so well known that it is not proposed to do more than mention it here. Dr. Priestley fled to London and sat down to write his *Appeal to the Public on the Subject of the Riots in Birmingham*.[5] John Wilkinson gave his brother-in-law £500 and offered to buy him a house. A letter written by Wilkinson from Wrexham to James Watt on August 16, 1791, shows that the ironmaster's property had been in danger too, but he had the resources with which to take adequate if rather alarming precautions. He wrote:

> 'Church and King' as a watchword has been very near bursting out into a Birmingham flame in this town . . . I have

[1] *Letters to the Right Honourable Edmund Burke, occasioned by his 'Reflections on the Revolution in France'* (1791).

[2] Dr. J. Priestley to J. Wilkinson, Feb. 17, 1791.

[3] Dr. J. Priestley to [Cornelius Reynolds], Feb. 25, 1791.

[4] *Manchester Guardian*, Oct. 23, 1844, p. 6, cols. 2–3, Nov. 9, 1844, p. 5, col. 5; P. Handforth, 'Manchester Radical politics, 1789–1794', *Trans. Lancs. and Ches. Antiq. Soc.*, lxvi (1957).

[5] Dr. J. Priestley to John Wilkinson, Aug. 20, 1791: 'I thank God I never enjoyed better health or spirits than I have done since this affair . . .'

ordered 6 swivels to be mounted on the engine galleries at Bradley, also 2 howitzers for the millyard on carriages with a view to kill a few as you direct if necessary. We shall also prepare for a defence of like nature at Bersham. W[illiam]. R[eynolds]. by about 20 firearms and bayonets saved his life and house. There is more safety in a gun well manned than will be found in a careless Justice.[1]

Meanwhile Dr. Priestley had become more and more involved in the affairs of Benjamin Vaughan (1751–1835) who had been one of his students at Warrington Academy. The Vaughan family, too, was Unitarian, and Benjamin Vaughan had been in Lord Shelburne's service as private secretary in the 1770's, although he had resigned this post in 1778 in order to study medicine at Edinburgh for three years. In 1781 he joined the London firm of Manning and Sons as a partner and married a Miss Manning, an aunt of the Cardinal. He visited Paris and Nantes in 1790.[2] In the autumn of 1791 Priestley placed £500 in Vaughan's hands to be invested in French Government bonds and advised his brother-in-law to do the same with the £5,000 Wilkinson wished to place at his disposal. During these months Priestley was even fuller of optimistic delusions about France than usual. In an undated letter, very probably written about September 13, 1791, he informed Wilkinson:

> . . . I consider my stay in this country as very uncertain. Many of [my] friends seriously think of going to France, and the neighbourhood of Dijon, in Burgundy, has been pointed out to them as convenient for their manufactures. If this should take place, and my son William get a settlement in France, which I hope my friends there will find for him, I shall probably emigrate from Manchester . . .[3]

He wrote again to John Wilkinson on October 4, 1791:

> I am glad you approve of my views with respect to France. *Now*, I think it must be evident to everybody, whether they will acknowledge it or not, that *that* country must rise, and that *this* cannot well go higher . . . I think I told you I had the

[1] Boulton and Watt Coll., Birmingham Public Library.
[2] Alger, *op. cit.*, p. 91.
[3] Dr. J. Priestley to John Wilkinson, Sept. [? 13], 1791.

> offer of a completely furnished house near Paris. Today I have received a very flattering address from a society at Thoulouse (*sic*), . . . inviting me to reside in the South of France, and intimating that one of the now vacant monasteries will be destined for my use. I have now, however, absolutely taken a house at Hackney . . .

On the subject of Vaughan he continued:

> There is no person, I believe, in England who is better acquainted with France and French affairs than he is . . . He has already placed a considerable sum in the French funds, and many, I doubt not, will soon do the same, as was the case with the American funds, which have risen thirty per cent per annum by some money that he happened to have in their funds at a very critical time.[1]

Wilkinson took the advice and accordingly lodged £5,000 in the French funds in his own name for Priestley's benefit (he was to draw the annual interest). In 1793 the Committee of Public Safety discovered these securities among the possessions of J. C. Perregaux, a Paris banker of Swiss origin, and listed them under the heading of property belonging *aux anglais, écossais, irlandais, et hanovriens*. Priestley then held 13 *billets de l'emprunt de 125 millions*, the accumulated interest on which was 650 *livres*. William Wilkinson also held 97 *billets* of the same loan; John Wilkinson's 121 *billets de l'emprunt de 125 millions* had been placed at the disposal of the *Caisse de l'Escompte*.[2] At some time between October 1791 and the autumn of 1793 Wilkinson purchased a second £5,000 worth of French public bonds and promised to transfer the ownership of the whole £10,000 to Priestley.[3] The investment soon proved to be an unproductive one and, when Priestley decided in the winter of 1793–4 on emigration to the U.S.A., Wilkinson agreed to allow the doctor to draw a bill on his banker, Sir Benjamin Hammet, for £200 every year 'till the money in the French funds came to be productive'.[4]

[1] Dr. J. Priestley to John Wilkinson, Oct. 4, 1791.

[2] Archives Nationales, Paris, F 4774/68.

[3] Dr. J. Priestley to John Wilkinson, Dec. 2, 1793, Nov. 3, 1796. It was expected that the £10,000 would produce £600 per annum (Dr. J. Priestley to John Wilkinson, March 15, 1798).

[4] Dr. J. Priestley to John Wilkinson, Nov. 3, 1796.

This arrangement lasted until 1800, according to the evidence of these letters,[1] although Alexander Gordon in his article on Priestley in the *Dictionary of National Biography* states that Wilkinson did not withdraw this pension until 1804.

In the early 1790's Wilkinson made a present of some property to those of the doctor's children who had emigrated to the U.S.A. (Joseph, William and Henry), including a considerable sum in shares of the 'old' French East India Company.[2] By 1796 both the *emprunt de 125 millions* and these *actions des Indes* had been 'taken out of the hands of their respective proprietors and placed in those of the [French] Government', with the result that the value of the first was 'much diminished' and that of the second 'nearly annihilated'.[3] Well might Priestley lament in a letter of 1798: 'If the ten thousand pounds had been in the American funds, instead of the French, they would have yielded more than twenty thousand.'[4] Towards the end of 1797 the French Directory made an *arrêt* in Priestley's favour allowing him 1,200 *livres* a year in specie, but he had not received any payments under this arrangement as late as 1800. In addition, 'owing to the act of transfer being useless from the want of some legal formality', the £10,000 worth of French Government stock was still in John Wilkinson's name in the French Treasury's books in 1801,[5] and remained so until the ironmaster's death in 1808, in spite of efforts to get him to move in the matter. Under the terms of the Peace Treaty of 1815 John Wilkinson's trustees eventually received 510,099 francs, 10 centimes (over £20,000), for the investment in the *emprunt de 125 millions*, although their claim on account of the *actions de la compagnie des Indes* was rejected. It is noteworthy that a claim made by Joseph Priestley, jun., was rejected, although details are lacking.[6]

[1] Dr. J. Priestley to John Wilkinson, June 14, 1800.

[2] Thomas Cooper, Manchester, to John Wilkinson, April 16, 1794.

[3] Z. Walker to Dr. J. Priestley, Sept. 15, 1796; Dr. J. Priestley to John Wilkinson, Nov. 30, 1797; J. C. Perregaux to Dr. J. Priestley, Aug. 16, 1797.

[4] Dr. J. Priestley to J. Wilkinson, Jan. 21, 1798.

[5] J. C. Perregaux to Dr. J. Priestley, Aug. 16, 1797; Dr. J. Priestley to John Wilkinson, June 14, 1800; H. C. Bolton, *Scientific Correspondence of Joseph Priestley* (1892) pp. 157–8 (letter from Dr. J. Priestley to J. C. Perregaux, April 12, 1801).

[6] Pub. Rec. Off., T 78/IND 8818 (1)—claims; T 78/268-awards (1816–1817).

On February 7, 1792 Benjamin Vaughan was elected M.P. for the borough of Calne in Wiltshire by means of Shelburne's influence and soon began to make use of his parliamentary privileges by franking Priestley's letters to Wilkinson. It is not surprising that Vaughan soon became extremely critical of the British Government's foreign policy, and of the struggle which the British Government, in his opinion, was so foolish as to prosecute after the French had declared war on February 1, 1793. The following passage indicates the general line of argument and thought which Priestley's circle found comforting. Wilkinson was informed by Priestley on February 10:

> I dined on Saturday in company with Mr. Sheridan and some other politicians. It appeared very evident that our Court had no expectation of the French declaring war in consequence of the dismission of M. Chauvelin,[1] and it is now a general opinion that they are now endeavouring, in some circuitous way, to make peace before any considerable blow is struck. That the French do not fear the war is evident enough, though it is as evident that they wished to avoid it and were sincerely desirous of our friendship.[2]

Priestley grasped eagerly at any evidence, however slight, that the French wanted peace or that the British Government was tiring of the struggle.

Meanwhile, the *Morning Chronicle* was printing, between July 20, 1792, and June 25, 1793, a series of letters from Benjamin Vaughan, under the pseudonym of 'A Calm Observer'. A number of them were reprinted in 1793 as *Letters on the subject of the Concert of Princes and the Dismemberment of Poland and France.* A second edition, enlarged and corrected, appeared later in that year. The general tone of the book can be gauged from the title of letter VII—'Positive Arguments for negociating a Peace with France'.[3] Priestley sent a copy of it to Wilkinson in July 1793 and wrote: 'If you should have any guess about the writer, I have a particular reason for desiring you would not give any intimation of it to Mr Vaughan.'[4]

[1] The French ambassador.

[2] Dr. J. Priestley to J. Wilkinson, Feb. 10, 1793. [3] 1st ed., 119–34.

[4] Dr. J. Priestley to J. Wilkinson, July 15, 1793. Priestley later showed the greatest anxiety that Wilkinson should read such pamphlets as *A Convention the only Means of Saving us from Ruin*, by the notorious Joseph

On May 8, 1794, however, Vaughan, in company with Lord Lauderdale, Sheridan, William Smith, M.P., and Major Maitland, was summoned before the Privy Council and questioned regarding a letter he had written to that 'wicked and seditious traitor' [1] John Hurford Stone (1763–1818) who was then in Paris. Vaughan had sent this letter to William, John Hurford Stone's younger brother, for delivery. William Stone was arrested two days later and committed to Newgate on a charge of high treason.[2] The letter offered some advice to the French on the subject of invading England, combined with information about British morale. According to Alger it 'dwelt on . . . the readiness to enlist in the navy, the approval of the war by Parliament, and the temper of the nation, as proofs of the expediency of France making a peace on fair terms'.[3]

After the interview with the Privy Council Vaughan lost his nerve and fled to France, where he fell foul of Robespierre. After Robespierre's fall he was arrested by the Committee of Public Safety, but eventually liberated. After his release he made for Switzerland, still M.P. for Calne. Finally, in 1796 he settled down on the extensive family estates in Maine, U.S.A., where he died peacefully in 1835.[4]

Mention of the Stone brothers leads to another curious episode in the Priestley-Wilkinson financial transactions. During the period of commercial depression in 1792–3 Wilkinson had made use of his creditworthiness among the tradespeople of the Wrexham area by putting into circulation notes of small denomination in order to pay his workmen at Bersham furnace. This practice was not uncommon among industrialists in the 1790's.[5] In Wilkinson's case these small notes were countersigned French

Gerrald of the London Corresponding Society, and the anonymous *Peace and Reform against War and Corruption* (Dr. J. Priestley to J. Wilkinson, Jan. 9, 1794).

[1] The description was Sir John Scott's (later Lord Eldon).

[2] *Gentleman's Magazine*, lxiv (1794), 572; Alger, *op. cit.*, 95.

[3] Alger, *op. cit.*, 92–5.

[4] See *Dictionary of National Biography* and *Dictionary of American Biography sub nomine.*

[5] T. S. Ashton, *Iron and Steel in the Industrial Revolution* (1924), 75–6; G. Unwin and others, *Samuel Oldknow and the Arkwrights* (1824), 176–93. John Wilkinson to Boulton and Watt, June 26, 1792 (Boulton and Watt Collection, Birmingham Public Library).

assignats and on December 19, 1792, the Rev. Peter Whitehall Davies, J.P., of Broughton Hall, near Wrexham, reported as follows to Lord Chief Justice Kenyon:

> My Lord
>
> I take the Liberty to trouble your Lordship with another Letter in which I have inclosed an assignat, made payable at Bersham Furnace, endorsed Gilbert Gilpin;—I am informed he is the first Clerk of Mr Wilkinson, whose Sister married Doc[r]. Priestly. with what view Mr Wilkinson circulates assignats is best known to himself.—It appears to me that good Consequences can not arise from their being made currant, & that very pernicious Effects may.—Mr Wilkinson at his Foundry at Bersham (where I am informed he has now a very large number of Cannon) & in his Coal, & Lead Mines employs a considerable Body of Men.—They are regularly paid every Saturday with Assignats.—The Presbyterian Tradesmen receive them in Payment for Goods, by which Intercourse they have frequent Opportunities to corrupt the Principles of that Description of Men, by infusing into their minds the pernicious Tenets of Paine's Rights of Man, upon whose Book I am told, publick Lectures are delivered to a considerable number, in the neighbourhood of Wrexham, by a methodist—The bad Effects of them are too evident in that Parish . . .[1]

That these effects were lasting may be gauged from Sir Frederick Morton Eden's description of the population of Wrexham parish about 1797, when it was, he stated, composed of '. . . shopkeepers, inn-keepers, agriculturists and miners; the last are chiefly employed in the lead-mines, smelting lead and casting iron, etc., for Messrs. Wilkinson and Co. Here is one congregation of Methodists, one of Free-thinkers, one of Anabaptists, and one of Presbyterians'.[2]

Lord Kenyon lost no time in reporting the matter to the Government, which was, by this time, seriously alarmed at the spread of French revolutionary doctrines throughout the country, and inclined to see in the circulation of the *assignats* an insidious attempt to foster the propaganda of what was soon to become an enemy state. On December 24, 1792, the law officers of the Crown

[1] Ashton, *op. cit.*, 228–9.
[2] *State of the Poor* (1797), iii. 891.

were given leave to introduce a bill into the Commons 'to prohibit the circulation of promissory or other notes, orders, undertakings, or obligations . . . created and issued under or in the name of any public authority in France'. The bill was passed rapidly through both Houses and received the royal assent on January 8, 1793.[1] All such notes in circulation were to be redeemed in current money immediately.

From references in the Priestley-Wilkinson correspondence it is possible to trace the subsequent history of the ironmaster's unfortunate foreign exchange speculation. After the passing of the act Wilkinson called in and repatriated some of the *assignats*. On February 10, 1793, Priestley wrote to his brother-in-law thanking him for the gift of some of them, which he promised to send to his second son William, who was still in France. Wilkinson's endorsement on the back of this letter shows that on February 22 he sent ten more of them to Priestley who replied on March 19, 1793, 'I sent William twenty-seven of the *assignats* you were so good as to send me, and he was very grateful for them; but as I can make no particular use of any more you had better keep those you have till better times.'

Wilkinson evidently hoped to recoup his losses even after Britain and France had been at war for nearly a year, for Priestley wrote on the following December 13, to say that he had an opportunity of sending to France any *assignats* that Wilkinson might have in hand. He also warned Wilkinson that as the *assignats* bore the head of Louis XVI they would have to be presented in Paris 'before Christmas next'. Shortly afterwards a parcel addressed to Priestley and containing 898 *assignats* arrived at his publishers, Joseph Johnson, 72 St. Paul's, besides 14 more which Wilkinson sent separately.[2] Their face value was 4,750 *livres*, or about £240 at par. Priestley handed them over to William Stone, who sent them to his brother John Hurford Stone in Paris. By the time he received them they had already lost more than 4/5th of their original value.[3] The Stone brothers were Unitarians and carried on a business with their uncle as wholesale coal merchants in London. John Hurford Stone was a member,

[1] 33 Geo. III, cap. 1; *Journals of the House of Commons*, 1792–3, 51–91 *passim*. No record of the debates on the bill appears to have survived.

[2] Dr. J. Priestley to J. Wilkinson, Jan. 25, 1794.

[3] Z. Walker to Dr. J. Priestley, 15 April, 1796.

first of Dr. Price's, then of Dr. Priestley's congregation at Hackney, but his philosophical speculations soon ranged far beyond Unitarian doctrine. In October 1790 he presided at a dinner given by the Society of Friends of the Revolution (of 1688) to a French deputation from Nantes. He numbered Samuel Rogers the poet among his friends, while Fox, Sheridan, Talleyrand and Mme de Genlis were guests at his dinner table in 1791.[1]

Later in 1791 he went to Paris, where in September 1792 he presided over a dinner of British residents to celebrate the victories of the French armies. He also presided over a second dinner of this kind on November 18, 1792, at which the toasts were 'The coming Convention of Great Britain and Ireland' and 'The English patriots, Priestley, Fox, Sheridan, Christie, Cooper, Tooke and Mackintosh'. This resulted in the promotion of the British Revolutionary Club of Paris in the following month.[2] He returned to England in somewhat humiliating circumstances after war had broken out in February 1793, but soon went back to France. After the arrest of his brother William Stone by the British Government on May 10, 1794, he dared not set foot in England, as he had been named as the principal in the indictment. William Stone was charged with high treason for 'treacherously conspiring with his brother, John Hurford Stone, now in France, to destroy the life of the King and raise rebellion in his realms'.[3] He prospered in France by securing the confidence of the Directory, became one of the chief printers in Paris on Government contracts and eventually (1817) acquired French nationality.[4] After 1795 Priestley, then safe in the U.S.A., kept up a correspondence with him about Wilkinson's precious *assignats* until at least 1798, by which time they had depreciated from their original value of about £240 to 20 shillings.[5] John Hurford Stone proved to be almost as embarrassing a correspondent to Priestley in America as he had been to Benjamin Vaughan in Britain, for one

[1] Alger, *op. cit.*, 63–4.

[2] Alger, *op. cit.*, 64, 98.

[3] Alger, *op. cit.*, 66. After being two years in prison, William Stone was acquitted in 1796.

[4] Alger, *op. cit.*, 67. Lord Kenyon pointed out that he definitely identified himself with the French as early as 1794, referring to them as 'we' and to the British as 'you' in his correspondence.

[5] Nov. 3, 1796, Oct. 7, 1797, Jan. 21, 1798; Z. Walker to Dr. J. Priestley, Sept. 15, 1796.

of his letters to the doctor in 1798 was intercepted and printed by William Cobbett, who was then conducting pro-British propaganda in the U.S.A. Its publication elicited from Priestley a repudiation of any desire on his part for a French invasion of England in the pamphlet, *Letters to the Inhabitants of Northumberland*. George Canning also took up the case and gave the episode a dubious immortality in his poem *The New Morality*, which contains the line:

Priestley's a Saint, and Stone a patriot still.

There was also a biting cartoon from Gillray.[1]

In the course of 1793 Priestley turned his thoughts more and more towards emigrating to the U.S.A. He read Jedidiah Morse's *American Geography* and sent his son Joseph on ahead, accompanied by Thomas Cooper and two other associates, with definite instructions to make a study of the United States on the spot, to decide on a suitable place for the settlement of English 'friends of freedom' and to buy the tract of land selected. The chosen land proved to be in the backwoods of Pennsylvania,[2] on the banks of the River Susquehanna. The scheme is closely linked with the better-known project of Coleridge, Southey, Wordsworth and others to found their Pantisocracy[3] in the U.S.A., a 'social colony in which there was to be community of property and where all that was selfish was to be proscribed'.[4]

In January 1794 Dr. Priestley told Wilkinson that the scheme of buying a tract of land originated with one of Benjamin Vaughan's younger brothers, John Vaughan, who had set up as a merchant in Philadelphia. In the same letter he announced his

[1] Priestley's letter of Sept. 4, 1798, on the subject to Cobbett is reprinted in his *Works* (ed. Rutt) i, pt. ii, 406. See also British Museum: *Catalogue of Political and Personal Satires*, vii (1942), 468–72, and *Copies of Original Letters . . . by Persons in Paris* [Helen M. Williams and J. H. Stone] *to Dr. Priestley in America, Taken on Board a Neutral Vessel* (1798).

[2] M. C. Park, *op. cit.*, 12–16.

[3] For the Pantisocracy, see P. A. Brown, *The French Revolution in English History* (1918), pp. 108–9; A. F. Bestor, *Backwoods Utopias*, 1950, pp. 36–7, and footnotes; M. W. Kelley, 'Thomas Cooper and the Pantisocracy', *Modern Language Notes*, xlv (April 1930), 218–20, and references listed by M. C. Park, *op. cit.*, 58–9.

[4] Joseph Cottle, publisher to the Pantisocrats, quoted by H. N. Brailsford, *Shelley, Godwin and their Circle* (1913), p. 53.

firm decision to emigrate to the U.S.A. Thomas Cooper was on his way back to England with the report and Priestley suggested that Wilkinson might like to take the opportunity of investing in American lands.[1] The little book which Cooper published in London later in the year, *Some Information respecting America*, was largely an advertisement for the proposed settlement, but Miss Park's assumption that Priestley was the 'Friend' to whom Cooper addressed the book, although likely, is not proven. There can be no doubt, however, that the book helped the Pantisocrats to choose the exact spot for their project.

Priestley himself arrived in New York on June 4, 1794, when the land scheme still appeared to be promising. From the Priestley-Wilkinson correspondence it is clear that Joseph Priestley, jun., John Vaughan and Abel Humphries had persuaded the reputedly powerful firm of Morris and Nicholson to back them.[2] Robert Morris (1734–1806) and John Nicholson (d. 1800) were Philadelphia merchants of Welsh origin and formed one of the three firms which were reported in 1794 to be 'buying up all the lands in Pennsylvania that they can meet with'.[3] Briefly, the syndicate floated a land company with a capital of 300,000 dollars divided into 100 shares of which Morris and Nicholson were to take up 34. The object of the Company was to purchase, settle and manage 'a quantity of land situate on the waters of Loyalsock, Muncy and Fishing Creeks, in the county of Northumberland in the State of Pennsylvania', the whole of which was to be known as 'Liberty'. Joseph Priestley, jun., hoped to sell plots on the instalment plan by inviting subscriptions in money or the proceeds of the sale of goods dispatched from Britain by intending small purchasers. The syndicate paid the State of Pennsylvania $1 per acre and the first fifty settlers were to get their land at this price. Latecomers had to pay more.[4] But the scheme failed soon after Dr. Priestley

[1] Dr. J. Priestley to John Wilkinson, Jan. 25, 1794.

[2] *Purchase of American Lands* (printed folder), 4 pp.; MS. Conditional articles of agreement . . . between Robert Morris and John Nicholson . . . and Joseph Priestley, Abel Humphries and John Vaughan (both documents bound up in Priestley-Wilkinson MSS.).

[3] H. Wansey, *Excursion to the United States* (2nd ed., 1797), p. 125. *Dictionary of American Biography*, *sub* Morris, Robert and Nicholson, John.

[4] MS. Conditional articles of agreement . . . between Robert Morris and John Nicholson . . . and Joseph Priestley, Abel Humphries and John Vaughan (Priestley-Wilkinson MSS.).

arrived to join his sons. It turned out to be the usual story of speculation in virgin lands. He wrote to the Rev. Theophilus Lindsey on September 14, 1794:

> What brought us here is the expectation of it being near the settlement that my son and Mr. Cooper were projecting, and behold, *that is all over*. When the lands came to be viewed, they appeared not to be worth purchasing or accepting of . . . They were deceived by the proprietors . . . I now advise my son to get a farm for himself, near me, and think no more of large partnerships, which seldom answer . . . What Mr. Cooper will do I cannot imagine. We must all live on our means for some time to come.[1]

This in fact, is what the new immigrants finally had to do. Nevertheless, as the documents recently discovered by Miss M. C. Park in the Ridgeway Library in Philadelphia and the Pennsylvania Land Office of the Department of the Interior at Harrisburg show, Joseph Priestley, jun., resumed land speculation in the same area early in February 1795 and continued on an extensive scale until the end of 1796,[2] so that eventually lands held by him and his associates amounted to some 700,000 acres.[3]

The bankruptcy of Morris and Nicholson during the general financial crisis of 1796 (they paid only 2*s*. 6*d*. in the £, presumably Pennsylvania currency)[4] finally put an end to Joseph Priestley, jun.'s hopes of a fortune in land speculation and he settled down with moderate success to become a farmer in Northumberland, Pa., where his father had had a house built in 1796. According to Rouchefoucauld-Liancourt, Robert Morris generously agreed to take back a large part of the lands which Joseph had contracted to buy: ' . . . celui-ci s'est défait de la presque totalité de ce qui lui restait, et a acheté autour de la ville [Northumberland] quelques terrains qu'il s'est occupé à mettre en valeur'.[5] Much of the land

[1] Quoted in William Vaughan to John Wilkinson, Oct. 25, 1794. See also Dr. J. Priestley to John Wilkinson, Nov. 12, 1794.

[2] Park, *op. cit.*, 52–7 (appendix).

[3] Park, *op. cit.*, 17–18.

[4] *The Autobiography of Benjamin Rush*, ed. G. W. Corner (1948), pp. 236–237. Before the crash the two men were estimated to be worth ten million dollars.

[5] *Voyage dans les États-Unis d'Amérique*, i (1798–9), 131.

young Mr. Priestley had hoped to acquire for $1 an acre actually fetched $3.50 an acre when sold off during the liquidation of Morris and Nicholson's assets, a fact which Dr. Priestley did not fail to record.[1]

An interesting parallel and contrast to the Priestley family's misfortunes in this affair is provided by the adventures of William Russell (1740–1818), the head of Dr. Priestley's congregation in Birmingham. Until he retired from business in 1791, Russell had been senior partner in the Birmingham family firm of W. and G. Russell, export merchants. He decided to emigrate to the U.S.A., where his firm had many connections and thousands of pounds' worth of bad debts, about the same time as Priestley and for similar reasons. He set sail with his family and servants from Falmouth on April 14, 1794, on board the U.S. merchant vessel *Mary*. The ship was intercepted and taken into Brest by the French frigate *Proserpine*. The Russell establishment was released from detention on December 23, 1794, and William Russell decided to visit Paris, where he purchased a valuable property on the Quai Voltaire, and also acquired a confiscated monastery, the Abbaye Ardennes, near Caen, together with its dependent estate worth about £800 a year. The family then resumed its journey to the U.S.A. and arrived in New York on August 22, 1795. Russell hastened to visit Dr. Priestley at Northumberland, and settled down for five years at Middletown, Connecticut, from which centre he collected several thousand pounds' worth of the bad debts. He left the U.S.A. for France in 1801, lived an idyllic life for the next thirteen or fourteen years in the converted Abbaye Ardennes, and returned quietly to England after the Peace of 1814.[2]

Priestley continued to plan a visit to France from the depths of the Pennsylvanian backwoods. The *Moniteur* of November 21, 1796, contained a reference to the 'projet du docteur Priestley de s'établir en France',[3] and in April 1797, cheered by the 'great success of the French in Italy', as heralding an early peace, he announced to Wilkinson: 'I am about to go to France, to see what I can make of the property you were so good as to give me there.

[1] Dr. J. Priestley to John Wilkinson, Jan. 21, 1798.

[2] S. H. Jeyes, *The Russells of Birmingham in the French Revolution and America, 1791–1814* (1911), *passim*.

[3] *Ancien Moniteur* (*réimpression* of 1843), xxviii, 493.

I shall probably sail in about a fortnight'.[1] But Joseph opposed the idea[2] and for some obscure reason he never set out. Six months later the doctor informed Wilkinson of his growing money difficulties:

> Mr [John] Vaughan, to whom, on his and his brother's joint bond and promise of land security, I transferred all my property in the American funds (by which I got 8 per cent, instead of 6), I hear does not pay all demands upon him though he has not hitherto refused mine.[3]

In the winter of 1797–8 hope of a domicile in France revived, particularly as Priestley was by then, under the administration of President Adams, more grossly calumniated as a supposed friend of France 'in the newspaper that has the greatest currency of any in this country' than he had been in England.[4] Yet again he hesitated,[5] waiting for an interval of peace, and meanwhile growing older and more 'comfortably fixed' in America.[6] Then, in the winter of 1800–1, his friend Thomas Jefferson became President, and the scurrilous attacks to which he had been subjected in the American press ceased. This 'determination to visit France in the first interval of peace', although still expressed,[7] was growing weaker. President Jefferson had assured him that 'Yours is one of the few lives precious to mankind, and for the continuance of which every thinking man is solicitous'.[8] Soon afterwards a letter from Priestley was received by the President with 'the pleasure which the approbation of the good and the wise must ever give'. There was, too, the President's personal assurance:

> It is impossible not to be sensible that we are acting for all mankind; that circumstances denied to others, but indulged to us, have imposed on us the duty of proving what is the degree

[1] Dr. J. Priestley to John Wilkinson, April 1, 1797.
[2] Dr. J. Priestley to John Wilkinson, April 11, 1797.
[3] Dr. J. Priestley to John Wilkinson, Oct. 7, 1797. Later Vaughan's assignees in bankruptcy agreed to make Priestley an annual allowance of $500 for 5 years (Dr. J. Priestley to John Wilkinson, June 14, 1800).
[4] Dr. J. Priestley to John Wilkinson, Nov. 30, 1797.
[5] Dr. J. Priestley to John Wilkinson, March 15, 1798.
[6] Dr. J. Priestley to John Wilkinson, June 14, 1800.
[7] Dr. J. Priestley to John Wilkinson, Dec. 15, 1800.
[8] Thos. Jefferson to Dr. J. Priestley, March 21, 1801.

of freedom and self-government society may leave its individual members.[1]

Bearing these flattering remarks in mind, it is hardly surprising that, in spite of the Peace of Amiens, Priestley never revisited Europe.

[1] Thos. Jefferson to Dr. J. Priestley, June 19, 1802.

THE EARLY HISTORY OF THE COMMUNIST PARTY OF GREAT BRITAIN, 1920–9

By Henry Pelling, M.A., Ph.D.

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THE Communist Party of Great Britain, like the Communist Parties of most other European countries, was founded shortly after the Russian Bolshevik revolution. It was unique among the Communist Parties of the major countries in being the result of an amalgamation of small revolutionary groups rather than a product of the schism of a large existing organization. The British Labour Party did not split as a result of the Russian revolution: the Communist Party grew up out of elements which for the most part had had a separate existence on the Labour Party's left wing.

The most considerable of these elements was the British Socialist Party, which was an outgrowth of the oldest socialist organization in Britain, the Social-Democratic Federation, founded at the beginning of the 1880s by H. M. Hyndman. Then there was the Socialist Labour Party, a body formed on Clydeside in 1903 by seceders from the Social-Democratic Federation, who disliked Hyndman for his chauvinistic tendencies and his concentration on political rather than industrial activity. There were also a few smaller groups, among them a local organization in East London run by Sylvia Pankhurst, of the well-known suffragette family. It was significant, at the outset, that it was Russian Bolshevik initiative and influence that led these diverse elements to unite into a Communist Party. In a letter to Sylvia Pankhurst in August 1919, Lenin urged the British groups to accept the need for Parliamentary as well as industrial action.[1] As a result several of the leaders of the S.L.P., notably Arthur MacManus, Tom Bell, and J. T. Murphy, declared for unification with the B.S.P., and at a conference in London in August 1920, they brought the Communist Party of Great Britain into existence on

[1] Printed in *Lenin on Britain* (1934), pp. 243–7.

the basis of the B.S.P. organization. The other leading British revolutionaries were won over by the arguments of Lenin at the Second Congress of the Communist International in the same year; and at a further conference at Leeds in January 1921 Sylvia Pankhurst's group, together with Willie Gallacher and a certain Scottish following, joined the existing Communist Party of Great Britain.

The organizations that had now merged themselves in the C.P.G.B. were, as Lenin said, 'all weak and some very, very weak'.[1] The claim of 10,000 members which was made at the Third Congress of the Comintern in 1921 was probably based on the total claimed by the B.S.P. in the later years of the war: according to Tom Bell, it was, for the infant C.P.G.B., a grossly exaggerated figure, the total in reality being more like 2,500. Gallacher's remnant brought in not more than 200, though they claimed 4,000; and a seceding group from the I.L.P., which came later in 1921 after an abortive attempt to get the I.L.P. as a body to support the Third International, according to Bell added no more than 'one or two hundreds' to the infant Communist Party.[2] It was clear that, for a beginning at least, the Comintern would have to rely on a very small band of supporters in Britain.

What manner of men and women were these foundation members of the C.P.G.B.? Judged as a social group, their most striking characteristic was their sectionalism. The party consisted, to a remarkable degree, of persons of non-English origin. The B.S.P. had in 1916 shed its more 'chauvinistic' or 'patriotic' elements when Hyndman had been voted down on the question of support for the Allied war effort. It had always contained many immigrants and exiles from the Continent, who admired its adherence to Marxist principles, and these elements had come to the fore in recent years. There was also a high proportion of Irishmen in the C.P.G.B. at the origin. Persons of Irish blood were especially interested in revolutionary activity at this time, when the 'troubles' were at their height in Ireland.[3] The Communist ranks thus contained not only working-class leaders of Irish origin, such

[1] Lenin, *Selected Works* (1947), ii. 622.

[2] T. Bell, *Pioneering Days* (1941), pp. 194 f.

[3] An interesting parallel is provided by the high proportion of Irishmen who joined the Democratic Federation (later, Social-Democratic Federation) at the time of its foundation in 1880–1, when 'coercion' was the issue.

as Gallacher and MacManus from Scotland and Murphy from Sheffield, but also professional men such as Colonel L'Estrange Malone, who was actually a Member of Parliament at the time, elected as a Coalition Liberal. Among other 'Celtic fringe' representatives present in some numbers were South Wales and Fifeshire miners. The South Wales Miners Federation, which had been deeply affected by the syndicalist movement in the years preceding the War, voted in 1921 to join the Red International of Labour Unions which had been set up to support the Third International. This whole assortment of sectional nonconformists was spiced by a few extreme advocates of earlier reform causes, for instance suffragettes, of whom Sylvia Pankhurst was the most notable; Prohibitionists, such as Robert Stewart of Dundee; and Guild Socialists, including Page Arnot and William Mellor.

Class differentiation among the members of the new party was at first less marked, in spite of the overwhelmingly industrial character of the membership of the old S.L.P.; and in addition to those already mentioned, there was a smattering of intellectuals, many of them members of the Labour Research Department, formerly the Fabian Research Department, which came under the control of the party.[1] The ranks of the unemployed naturally provided recruits for extreme radical politics, and the National Unemployed Workers' Committee Movement, which was founded in 1921, was always largely under Communist control and served as a vehicle of party propaganda.[2] All the same, there were large parts of industrial England, if not of industrial Scotland and Wales, which in these early years the party's activities simply did not reach.

But this nascent Communist Party of Great Britain, though it had accepted Lenin's twenty-one theses for component parties of the Third International, had as yet little resemblance to the Russian leader's conception of a revolutionary party. It did not matter so much that its membership was small, for this had been true of the Russian party right up to the Revolution. Much more

[1] For the process by which the C.P.G.B. established full control over the L.R.D., see R. W. Postgate, *Socialist Review*, April 1934, pp. 6–18.

[2] A frank admission of the Communist control at the outset was made by W. Hannington in *World News and Views*, xxx. 320.

important was the fact that its members had not yet learnt to appreciate the distinction between Social-Democratic and Bolshevik organization. In a Bolshevik party, all members were expected to be entirely dedicated to political activity and rigidly disciplined to accept party decisions. The initial failure of the British party to conform to this pattern was to be seen in its adoption in 1921 of an almost federal constitution, which, through a misunderstanding of the Soviet system, perpetuated regional differences between its component parts by permitting separate district representation on the executive.[1] Equally serious was the discrepancy, still persisting in 1922, between the total claimed membership and the number of those who paid membership fees —5,116 and 2,300 respectively.[2]

Still, these were the formative years for the Communist Parties of all countries outside the Soviet sphere; and it was only in December 1921 that the Comintern drew up a code of procedure for the parties to follow in building their organizations and shaping their tactics. The basis for this code was the series of theses drafted by Lenin and adopted by the Third Comintern Congress in July of the same year. At a special conference of the British party in March 1922, a Commission of three members was appointed to translate the Comintern instructions into recommendations for the reshaping of the British party. The members of the Commission were H. W. Inkpin, brother of the party's general secretary Albert Inkpin, formerly of the B.S.P.; Harry Pollitt, an active young leader of the Boilermakers' Union; and Rajani Palme Dutt, a twenty-six-year-old Balliol graduate of half-Indian, half-Scandinavian origin who had formerly been a member of the I.L.P. To assist them in their work they had, as Comintern special representative in Britain, Michael Borodin, a Russian leader who was later to play an important part in Comintern work in China. But Borodin, though concealed under the alias of 'George Brown', was caught by the police later in the year and after serving a short sentence was deported.[3]

The report of the Commission, which runs to eighty pages of close print, is a brilliant piece of translation from the Leninist

[1] C.P.G.B., *Constitution and Rules* (1921).

[2] E.C.C.I., *Fourth Congress of the C.I.* (1923), p. 289.

[3] *Glasgow Herald*, 30 August 1922; J. T. Murphy, *New Horizons* (1941), pp. 88 f., 183 f. Murphy acted as his secretary.

original, in which we can clearly see the handiwork of Dutt, who had taken Firsts in Classical Moderations and Greats. Dutt could not, however, have followed the original so closely in his recommendations if he had not had the support of at least one other member of the Commission, and it was important that he gained the confidence of the trade union member, Pollitt. The mutual trust of these two men, so different in social background, was later to bring them both to the leadership of the party.

The report began with a scathing indictment of the Social-Democratic party 'branch', in which a very few members do the work while all the others are inactive and apathetic. By contrast with this, in a Communist Party 'every member would have to be a working member'.[1] At the centre, the old forms of control must disappear: an Executive Committee, comprising a few leading members available for continuous work, must govern the party; this executive should be divided into a Political Bureau and an Organizing Bureau. Although a Party Council of larger size, to include representatives from all areas, should exist for occasional consultation, the party must be highly centralized, and the channel of control should run direct from the Executive Committee to the District Committees and through the District Committees to the local groups.

At all levels, according to the report, the main activity of the party should be devoted to the trade unions and the workshops. To effect this, two types of organization were necessary—the 'fraction' and the 'nucleus'. The 'fraction' was a group of Communists on any representative body, such as a trade union executive or a trades council: the members of the group were to work in close co-ordination, preparing their policy together before the meetings of the larger body, in complete conformity with Communist Party policy and discipline. The 'nucleus' was simply any group of party members who belonged to the same factory or workshop, who were expected to engage in political activity in an organized fashion, also under party discipline.

These were the main recommendations of the report of the Commission, all of them derived from the theses of the Comintern. They were not accepted without opposition: according to Gallacher a group consisting principally of 'intellectuals' attempted to rally together at the Party Congress in October 1922, but were

[1] C.P.G.B., *Report on Organisation* (1922), p. 14.

defeated on all issues and then drifted out of the party.[1] Certainly it is clear that many of the party's more prominent middle-class recruits, such as Colonel Malone and Francis Meynell, must have left at about this time. But the discontent was not confined to 'intellectuals': there was also a good deal of apprehension about the changes among the old S.L.P. leaders, and in 1923 the Executive Committee of the Comintern (E.C.C.I.) decided on the unusual step of inviting the entire Central Committee of the British party to Moscow for consultations. The effect of this was very much what was intended: the recalcitrant members were overawed by the atmosphere of the capital city of a revolutionary country, and returned to England largely reconciled to the changes. All the same, MacManus, Bell and Murphy were against any speedy re-organization of the party,[2] and it was the Commission members who had to take the lead in 'Bolshevization'—Dutt, who shouldered the burden of editing the weekly organ, now known as the *Workers' Weekly*, as well as his own *Labour Monthly*; and Pollitt, who played an increasingly large part in the direction of the party work in the industrial sphere. Although not in full control, these two men, whose mutual confidence and respect had developed as a result of their work on the Commission, were playing a large part in the reshaping of the party structure on Bolshevik lines.

The Comintern directive of December 1921 involved the British party in the first of those sudden switches of policy which were to be characteristic of its behaviour. The C.P.G.B.'s initial application to join the Labour Party in 1920 had been abruptly turned down; and it had assailed Ramsay MacDonald with traditional sectarian bitterness when he sought re-election to Parliament at the Woolwich by-election in March 1921. In August of the same year a Communist candidate was actually put up against a Labour candidate at a by-election at Caerphilly in South Wales. Consequently there was already a high degree of estrangement between the two organizations when the 'united front' tactic was expounded by E.C.C.I. resolution in December. According to Murphy the demand for a united front came as a

[1] W. Gallacher, *The Rolling of the Thunder* (1947), pp. 33 f.
[2] J. T. Murphy, *op. cit.*, p. 197.

'shock' to the British party and at once resulted in a 'considerable loss of membership'.[1] But in 1922 it went further along the same path by withdrawing its candidates from constituencies where Labour candidates had already been adopted. In the 1922 General Election two Communists were elected to Parliament out of six who stood. Both of them were former members of the I.L.P.: J. T. W. Newbold, who was fairly well known as a research economist and 'muck-raking' journalist, was elected for Motherwell; and Shapurji Saklatvala, a Bombay Parsee, won Battersea North with the advantage of having been officially adopted as a Labour Party candidate. Newbold resigned from the party in 1924,[2] but Saklatvala sat for Battersea in the 1924–9 Parliament. It was not until 1945, however, that there were again to be two Communists in the House of Commons. The Labour Party continued to reject by large majorities the renewed Communist applications for affiliation; and in October 1925 by conference resolution it altered its rules to prevent Communists from maintaining membership of local Labour Parties.[3]

It was in the industrial sphere that, after a shaky start, the C.P.G.B. secured real influence. J. T. Murphy had participated in the foundation of the Red International of Labour Unions in Moscow in 1920, and on his return to England he set up a 'British Bureau' of this organization, to which British trade unions were invited to affiliate. One of the few unions to express willingness to join was the South Wales Miners Federation: the great bulk regarded the R.I.L.U. as an attempt to split the movement—the greatest of sins in the unionist creed. Nor could the Communists make much headway in 1921 and 1922 in forming factory 'nuclei': too many of them were unemployed, and those who were employed were often afraid of victimization. The whole question of the party's industrial tactics was discussed in 1923 when the C.P.G.B. Central Committee visited Moscow as a body. It was decided to establish a National Minority Movement, whose aim would be to win control of the unions and eventually of the T.U.C. itself: until this was effected, the demand for affiliation to the R.I.L.U. could be allowed to drop into the background.[4]

[1] E.C.C.I., *Fourth Congress of the C.I.*, p. 61.
[2] *Daily Herald*, 6 September 1924.
[3] Labour Party, *Annual Conference Report* (1925) pp. 181–9.
[4] E.C.C.I., *From the Fourth to the Fifth Congress* (1924) p. 31.

The National Minority Movement held its first conference in August 1924, and approved a programme of action involving the strengthening of the General Council of the T.U.C. and the alteration of its composition to include representatives of Trades Councils, which were easily influenced in a radical direction, and of the Unemployed Workers' Committee Movement, which as we have seen was largely under Communist control.[1] Although the Minority Movement itself was almost entirely officered by Communists, it could claim at its second conference a year later to have secured the affiliation of bodies representing 750,000 workers, including 41 Trades Councils.[2] Its report however failed to state that these successes had been achieved with the assistance of a good deal of financial support from Moscow. J. T. Murphy, on his return from Moscow in 1920, had initiated the supply of funds by bringing back with him a large number of English banknotes;[3] and in subsequent years the R.I.L.U. headquarters made substantial contributions for salaries and administrative expenses in order to secure the expansion of the movement.[4] The party itself was also receiving substantial subsidies from the Comintern, rising as the expectations of the Comintern leaders rose that the situation in Britain was assuming a revolutionary character: and much of this was channelled directly or indirectly to the support of the industrial movement. In 1924 the party itself was sent £5,000 by the E.C.C.I., and in 1925 £14,600, of which £4,000 was earmarked for the *Sunday Worker*, supposedly not a party journal at all but an organ of the 'Left Wing', although it had a Communist editor.[5]

The Comintern did not have money to throw away, and there would have been no substantial subsidies if the situation in Britain had not appeared promising. It was clear that the temper of the British workers was more radical than it had been for a long time, and in 1924 a Minority Movement candidate, A. J. Cook, was elected Secretary of the Miners Federation of Great Britain.

[1] *Report of National Minority Conference* (1924), p. 8.

[2] National Minority Movement, *Conference Report* (1925), p. 31.

[3] I am grateful to Mr. Murphy for information on this point.

[4] *Communist Papers* (Cd. 2682), pp. 54–6. H.C. (1926), xxiii. 585.

[5] *Communist Papers*, pp. 56–8, 61–3. The money probably came through the Moscow Narodny Bank in London, which in 1927 and 1928 was transmitting even larger sums: see *Russian Banks and Communist Funds* (Cd. 3125). H.C. (1928), xii. 275.

In the following two years, the conflict in the mining industry, resulting in the prolonged miners' strike, brought matters to a climax. In May 1926 the General Strike took place. Unfortunately for the Comintern, it demonstrated only too clearly that the British workers, angry as they were with the government and employers in general, were not prepared to resort to force to achieve their ends. Whereas at the 1925 T.U.C. the tiny Communist group of delegates—the 'fraction of ten'[1]—seemed to carry all before them, at the congress a year later the conservative temper of the movement as a whole was obvious. The Communists had worked hard while the strike was on, and when it was over their very extremism won them the temporary allegiance of many of the embittered miners, whose strike continued for several months. The party membership, which had been slowly rising to the beginning of 1926, when it reached 6,000, rapidly doubled after the General Strike and reached 12,000 in October.[2] But this new membership was not retained and the total slid disastrously in 1927 and 1928, until at the end of 1929 it was only 3,200.[3] The circulation of the official party organ, the *Worker's Weekly*, was up to 70,000 in 1926; but three years later its successor, the *Worker's Life*, was down to little more than 20,000.[4] The spectacular decline in the party's fortunes, following a period of high hopes and development, occasioned a crisis in its relations with the Comintern, which it is desirable to examine in some detail.

Theoretically, of course, the Communist Party of the Soviet Union was merely one of the member parties of the Comintern, and had no control over it. In practice, however, its position of leadership was such as virtually to amount to control. There was, first of all, the fact that the apparatus of the Comintern was in Moscow, and its congresses were always held there. Then, further, the Comintern drew the bulk of its finances by *per capita* payments from the members of Communist Parties, and as over half the total world membership of the Communist Parties was in the Soviet Union, this gave the Russian party a virtual financial

[1] Mentioned as such in *Communist Papers*, p. 69.

[2] E.C.C.I., *The C.I. between the Fifth and Sixth World Congresses* (1928), p. 30.

[3] *International Press Correspondence* [hereinafter *Inprecorr*], xii. 446.

[4] *Worker's Weekly*, 2 July 1926; *Worker's Life*, 13 December 1929.

stranglehold on the Comintern. To suppose that the Russian leaders did not take advantage of this situation would be flagrantly un-Marxist.[1] Yet they wished, at least in the earlier years, to preserve the appearance of independence for the Comintern. Unfortunately, however, it rapidly became clear that the factional struggles inside the Russian party could not be isolated from the Comintern. 'Tendencies' which had developed inside the Soviet Union, and which had to be suppressed, were suspected in the parties of the other countries. If any party attempted to follow its own path, claiming that the objective situation inside the country it represented was different, it had against it the combined weight of the Russian leaders and the delegates from other countries, who in matters not affecting themselves directly were inclined to side with the Russians.

The peculiarities of the British party were caused by its small size, by its origin as a merger of sectional groups, and by the limitations of direct control from Moscow. It was difficult, for instance, for the Comintern to send agents into Britain without their being caught at the ports and 'bowed out' of the country by the efficient, if courteous, officers of Scotland Yard.[2] The only Comintern emissary who succeeded for long was D. Petrovsky, who was known to the British party as 'A. J. Bennet', and who apparently served in Britain for several periods during the five years 1924–9—long enough, indeed, to become somewhat 'Anglicized' politically.[3] It was Petrovsky's job to advise on the 'Bolshevization' of the party, and to report direct to Moscow on its general performance; for these duties he had a personal staff, independent of that of the party headquarters. He appears to have performed his tasks with tact, but he could not prevent the leadership of the party getting even more fully than before into the hands of the old Clydeside group, especially after Dutt fell ill in 1924 and was obliged to go into virtual retirement for several years.

[1] For a realistic account of the relations of the C.I. and the C.P.S.U. see Richard Sorge in C. A. Willoughby, *Sorge: Soviet Master Spy* (1952), pp. 127–33.

[2] Jan Valtin, *Out of the Night* (New York, 1941), pp. 322, 337, 341; Willoughby, *op. cit.*, p. 60.

[3] Petrovsky was on duty in England in 1924, according to Ruth Fischer, *Stalin and German Communism* (1948), p. 400. For a tribute to him from the British party see *Inprecorr*, viii. 1744.

It was undoubtedly awkward, from the point of view of the E.C.C.I. secretariat, that the leadership of the British party seemed to be firmly in the hands of a united caucus, rather than in dispute by two or three factions, sufficiently well-balanced against each other to make the slightest Moscow influence decisive. The C.P.G.B., indeed, seemed largely indifferent to the bitter quarrels which counted for so much among the continental Leninists. Thus Manuilsky, the Ukrainian Communist leader who at that time was prominent in the E.C.C.I. bureaucracy, complained at the 10th Comintern Plenum in 1929:

> How does it happen that all the fundamental problems of the Communist International fail to stir our fraternal British party? It is not that the British Communist Party does not pass resolutions or take a stand upon all important questions. No, this cannot be said. All these problems have the appearance of being forcibly injected into the activities of the British Communist Party. In late years we have seen everywhere intensive political discussions. How many questions were passionately discussed, let us say, in the Communist Party of Germany? The German comrades carefully weigh every word spoken by anybody. They allow no deviation from the line, they attack the least deviation, respecting no persons. A series of such great discussions we have also seen in the Communist Party of Poland. Yet in the British party there is a sort of special system which may be characterized thus: the party is a society of great friends.[1]

What Manuilsky said was true enough: instead of splitting up along the lines of 'left' and 'right' tendencies, the members of the C.P.G.B. Executive not infrequently judged matters on their merits, and there was much cross-voting on questions of policy. While the leadership of the Russian and other parties was being decimated by expulsions, the British functionaries mostly remained loyal to each other, and the old Clydeside group, especially MacManus, Campbell, and Bell, formed a hard core of influential officials, controlling the party with the assistance of the rather colourless Albert Inkpin, who was still acting as secretary, and of a few newcomers such as Andrew Rothstein and Arthur Horner.

[1] *Inprecorr*, ix. 1140.

So long as the British party made progress and increased its membership as it did between 1924 and 1927, this solidarity of the British control did not provide much excuse for E.C.C.I. intervention, and in this period the C.P.G.B. was repeatedly praised for its 'correct tactics'.[1] But in 1927 and 1928 it became apparent that Communism was at a discount in Great Britain, and the party's membership figures slumped heavily. The Comintern itself was now changing its tactics, largely as a result of the situation in China, and the parties were being required to follow a new policy—a policy entitled, with unconscious irony, 'Class against Class'. This meant in practice a move in the direction of sectarianism: the Communist Parties were expected to attack the Social-Democrats as 'Social Fascists', and to regard them as enemies no better than—and in some ways worse than—the members of the capitalist parties. The British party as usual found itself in difficulties over the change of policy, and was slow to adapt itself, and it soon became apparent that the Comintern leaders wanted, not only complete obedience to the new line from the British party, but also some scapegoats for the years of decline and for the lack of 'Bolshevization' in Britain.

For there was no doubt about it that the British party was not really a 'Bolshevik' party. It is true that its organization at the top conformed to the Comintern pattern, which was based on the model of the Russian party. There was a 'Politburo' and an 'Orgburo', both with numerous 'departments' all constantly receiving instructions from Moscow and passing them on to the District Committees; there was a Control Commission of three or four, whose job it was to audit the party accounts and to hear appeals;[2] there was a Comintern representative, as already stated, with his own staff. But all this organization at the top was too much for a party with a membership of only a few thousands. The instructions were passed down, but they were not effectively obeyed, for the leaders of the party were divorced from the rank and file, busy travelling to and from Moscow, or sitting in the London office in King Street compiling information to send to the Comintern and deciphering instructions received. Consequently, at the local level, not enough was done. The party

[1] *Inprecorr*, vi. 347 (Lozovsky); vi. 364 (Braun); vi. 816 (Stalin).

[2] See, e.g., C.P.G.B., *Report of the Control Commission to the Party Congress* (1924).

channels of communication became choked with unfulfilled orders: the party was, as Arthur Horner put it, 'constipated'.[1] It was no wonder that new recruits swiftly fell away, disappointed by the absence of effective internal democracy.

The new tactics of the Comintern had developed in 1927, but owing to a 'technical mishap'[2]—possibly the arrest of a messenger—they were not received in Britain in time to influence the 1927 Congress of the C.P.G.B. It was not until the Ninth Plenum of the E.C.C.I. in Moscow in February 1928 that the British leaders discovered what had happened. In accordance with precedent special Commissions were held during this conference to discuss the problems and future policy of each individual party. Each Commission was composed of all the delegates at the conference from the party concerned, but it was normal for the representatives of the party concerned to be outnumbered by officials of the Comintern headquarters and specially appointed members from the delegations of other countries. We are told that at this particular Commission on the British party the sessions 'were marked by passion and tenseness'[3] and this is borne out by the record of the debates;[4] but as usual a unanimous report emerged. It was accepted that the party should 'adopt clearer and sharper tactics of opposition' to the Labour Party and the trade union leadership.[5] In accordance with the principle of democratic centralism, the British leaders had no option but to accept this decision, once it had been voted on by the whole conference, and to apply it as best they could when they got home.

Nevertheless, it was obvious to the Comintern officials that the C.P.G.B. delegates, though paying lip-service to the new Moscow 'line', were full of misgivings and mental reservations. This became even clearer at the Sixth World Congress of the Comintern, which was held in July of the same year. The World Congress was an important occasion for the British party, for it

[1] *Inprecorr*, ix. 1075.

[2] The phrase is Page Arnot's, from his article 'Ten Years of the C.P.G.B.', *Daily Worker*, 11 August 1930.

[3] *Inprecorr*, viii. 249.

[4] E.C.C.I., *Communist Policy in Great Britain* (1928).

[5] E.C.C.I., *op. cit.*, p. 192.

involved a thorough discussion of the colonial question. The British party had been given the responsibility of supervising the development of Communist movements throughout the British Empire, including India and Egypt. It had sent a number of emissaries to these countries with the object of making the necessary contacts for the foundation of Communist Parties or cover organizations, but, in spite of the use of elaborate codes, messages in invisible ink and other stratagems, little had so far been achieved.[1] The British control of the Indian movement had indeed been hotly resented by the one and only prominent Indian Communist, M. N. Roy, who said that it 'smacked of imperialism'.[2] The British party leaders, who nevertheless felt that they had special knowledge of colonial problems, produced major criticisms of the official resolution presented by Kuusinen. After a warm debate, in the course of which the British speakers were accused of chauvinism, their amendments were put to the vote and heavily defeated; and they departed from Moscow in high dudgeon after issuing a curious statement criticizing the way that the debate had been conducted:

> We wish to enter our emphatic protest against the tone and method of polemics introduced by Comrade Kuusinen and certain other comrades, which, if persisted in, can only have the effect of killing healthy discussions. The only possible method of discussion for the Communist International, in our opinion, is to debate all questions upon their merits, with full freedom and encouragement for all sections and individual comrades to state their point of view freely, frankly, and fraternally. The method of hurrying to tie labels on comrades who hold different opinions, before a final division has been reached, can only result in destroying independent thought and in robbing the Comintern discussions of much of their value.[3]

This rearguard plea for freedom of discussion—an unexpected revelation of original grace—can have made little impression on the Comintern officials, who were already fashioning an alternative leadership for the British party. They felt that Dutt and Pollitt would prove a more pliant team than Campbell and the old

[1] For the activities of C.P.G.B. agents in India, see *Meerut Communist Conspiracy Case Judgment* (Simla, 1932–3); Philip Spratt, *Blowing Up India* (Calcutta, 1955).

[2] *Communist Papers*, p. 83.

[3] *Inprecorr*, viii. 1744.

gang. Dutt, a remote, austere figure whose activity was still limited by chronic ill-health, at least had a firm grasp of theoretical questions and could discourse at almost endless length on the various 'tendencies' inside the Comintern. Pollitt had complementary qualities: though a poor theoretician, he was a good speaker and organizer, and as Secretary of the National Minority Movement was already in a key post of the party. But these two, by themselves, could not overthrow the existing leadership. To effect this, the E.C.C.I. through the Young Communist International enlisted the leadership of the British Young Communist League—a group of ambitious young men of working-class origin who had never had any other political allegiance than that of international Communism. Among them were William Rust, Walter Tapsell and David Springhall—Londoners all, who owed their entire careers to the party and who were very different types from the Scottish artisans who had come into the party with the B.S.P. and S.L.P. This new group was in action against the executive at the British Party Congress in January 1929: but there was as yet little cohesion in their ranks, and at an open election the existing leadership could still secure re-election after having given undertakings to accept the new Comintern line. The E.C.C.I. officials, however, were far from satisfied with this outcome, and at once despatched a private letter to the C.P.G.B. saying that

> The new E.C. chosen as a result of free election is to us a matter of consternation . . . The situation manifested at the Congress demanded, above all, that new elements be brought into the ranks of the Executive. The Congress has shown that it is precisely in the British party that the danger arises that a small group of leaders may develop which will be insufficiently linked up with active party life and the active struggles of the workers.[1]

This was an unkind cut, for if the British leaders were isolated from 'active party life' it was because they had been kept too busy by Moscow. Their response to this missive was to remove from the Politburo two members who were neither firm Comintern men nor firm adherents of the old gang—namely, Gallacher and Murphy. This provoked an immediate intervention from the

[1] *Inprecorr*, ix. 884.

Y.C.L., which had assumed the role of Comintern watchdog. In a letter to the Politburo the Y.C.L. demanded an immediate request by the British party to the Comintern to establish a Commission 'to consider the whole question of the leadership of the C.P.G.B.'; and then an early party conference to 'consider the findings of the C.I. Commission and elect a new party leadership for the carrying through of the new line and the Comintern letter'.[1]

The dispute, which had now created serious divisions inside the British party, was still unresolved when the Tenth Plenum of the E.C.C.I. took place in Moscow in July. The British leaders attended in order to defend themselves, and Rust was allowed to be present under the auspices of the Y.C.I. Rust assumed the role of informer and prosecutor of the C.P.G.B. and denounced the leadership of his own party with a boldness hardly explicable except on the assumption that he was already sure of the support of the Comintern officials. Campbell defended himself as best he could, pointing out that the British party has been 'swimming against the stream' in its campaigns for membership and influence.[2] Bell, Horner, and even to a certain extent Pollitt, spoke on his behalf. But Manuilsky for the E.C.C.I. brought down the scales on Rust's side. Dutt and Page Arnot, he said, were the only correct theoreticians in the British party. The existing committee had made serious errors, had been too sympathetic to non-Communist 'left-wingers' such as Maxton and Cook, had failed to build up factory nuclei, and so on.[3] This intervention was decisive: Campbell and his colleagues were forced to agree to an immediate and unconstitutional re-organization of the Politburo, and to the summoning of a special Party Congress. The E.C.C.I. addressed a special letter to this Congress, which met in November 1929: 'The opportunist elements in the party leadership', it stated, 'hindered the re-organization of the party on a factory basis . . . These elements must be brought into the open and ruthlessly exposed. . .'[4] The letter was signed by Thälmann (Germany), Garlandi (Italy), and Semard (France), but not by any of the Russians, lest it appear too openly that the Russian party was dictating to the Comintern. Meanwhile, meetings of District memberships of the C.P.G.B. had been held to demand changes

[1] *Inprecorr*, ix. 1363 f. [2] *Inprecorr*, ix. 873. [3] *Inprecorr*, ix. 1139 f.
[4] C.P.G.B., *Resolutions of the Eleventh Congress* (1929), p. 40.

in accordance with the Comintern directives, and thus to give a semblance of popular initiative to what was in reality a *coup d'état* from above.[1]

When the Party Congress met in November there was a foregone conclusion to the discussions. Just in case there still remained a possibility of the membership re-electing the old leaders, the system of voting for the Central Committee was changed. According to an account by Page Arnot,

> For the first time in the history of the party, instead of the so-called 'democratic' open vote of Congress (really Social Democratic method, because its only effect was to ensure the yearly re-election without an ounce of political discussion, of those whose names had been most prominently before the party) a Bolshevik method was adopted. For the purpose of drawing up the C.C. list a nominations commission was elected by the Congress. The political qualifications of each candidate were discussed exhaustively . . . A list containing twelve of the old Central Committee and 23 new members was adopted by the Congress, with one addition. Amongst those not re-elected were Comrades Inkpin, Rothstein, Horner, Bell.[2]

Campbell remained on the Central Committe but was not elected to the Politburo; and Pollitt became General Secretary in place of Inkpin. There were no resignations or expulsions, for the time being: to that extent the party was still 'a society of friends'. But the real essence of democratic control had gone. Pollitt, under the guidance of Dutt, was the Comintern's man in charge; in a few years' time he would be officially described as the 'leader' of the party. Almost at once the publication of the *Daily Worker* began: the E.C.C.I. had imposed upon the new leadership the initial task of founding a daily paper not later than 1 January 1930.[3] Its editor—appointed for political reasons, for he had no journalistic experience—was William Rust. In this way there was established the Stalinist control of the British Communist Party, which was to survive until well after the great Russian dictator had passed away.

[1] *Worker's Life*, 26 July 1929; *Communist Review*, i. 568–78.
[2] *Inprecorr*, x. 47.
[3] Resolution of the Polit-Secretariat of E.C.C.I., *Inprecorr*, ix. 1126.

THE ORIGINS OF THE MANOR IN ENGLAND[1]

By T. H. Aston, M.A.

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COMPARATIVELY little has been written recently on the origins of the manor. The exposition given by Maitland and Vinogradoff and closely followed by Sir Frank Stenton has been modified for certain areas; it has seldom been questioned as a whole.[2] The basis of early society, according to this view, was the free ceorl, owning absolutely one hide of land or its equivalent, and owing only royal dues, such folk-worthy and law-worthy men being associated together in free, lordless and nucleated villages. The gap between these men and medieval villeins, between these free villages and the manor, was bridged in a variety of ways. Grants of royal rights to ecclesiastics and laymen exposed the ceorls to the pressure of great lords who took advantage of economic insecurity, wars, famines, plagues, commendation and similar factors to depress them so that, in the end, in place of their free ownership of a hide, they came to hold normally between a quarter and a whole virgate or less, on most onerous and servile terms. Some place was, indeed, allowed to the creation of tenancies by lords themselves, but this was largely incidental. 'The central course of Old English social development', wrote Sir Frank Stenton, 'may be described as the process by which a peasantry, at first composed essentially of free men, acknowledging no lord below the king, gradually lost economic and personal independence.'[3]

Ultimately the evidence presented for this thesis must be subjected to detailed analysis, but certain of its limitations are obvious; much of it is of late date, and it draws heavily on the legal rather than the economic aspects of peasant history. No one

[1] I wish to thank Dr. A. L. Poole, Professor D. Whitelock and Mr. H. P. R. Finberg for their help.

[2] F. W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897); P. Vinogradoff, *The Growth of the Manor*, 2nd edn. (1911); F. M. Stenton, *Anglo-Saxon England*, 2nd edn. (Oxford, 1947).

[3] *Op. cit.*, p. 463. Cf. Vinogradoff, *op. cit.*, p. 235.

would wish to deny that independent landowning peasants existed at all times, some with a hide of land or more. Yet they are very elusive figures. If the laws do indeed prove their existence, they certainly afford no evidence that such men were characteristic of early society.[1] Centuries later, in Domesday Book and afterwards, the free peasants were to make an impressive tale in some areas, but it is not easy to relate them to the origins of English society; while the 'free' elements in ancient demesne, which so impressed Vinogradoff, are hardly older than the thirteenth century, and insignificant beside the servile aspects of all villein tenure. Again, it is plain enough that some independent peasants were depressed; so too were some thegns. But even were we to grant for a moment that independent landowning freemen were originally ubiquitous, the reasons given for their general economic depression would hardly appear convincing. If the ordinary villager had a hide of land, can he really have been, as Maitland said, 'seldom far removed from insolvency',[2] when later, without substantial improvements in agricultural technique, the great majority of peasants lived on at most a quarter of that? Ceorls with a hide of land are surely nearer to yeomen, even gentlemen, than to crofters; and it is hard to believe that economic fluctuations (severe though they were throughout the middle ages), gelds, devastations, sentences in the courts, partible inheritance or similar causes could have brought about their general economic depression. Indeed, when the detailed history of the ceorl class is written, we shall find many rising, in an under-developed countryside, to noble rank; there would otherwise have been less point to the nostalgia of the eleventh century writer on status.[3]

More important are the chronological difficulties. The precise, even the broad, chronology of the growth of the manor was never systematically worked out, but it was generally agreed that most manorial development came shortly before and shortly after the

[1] By contrast, for ceorls with lords, see Northumbrian Priests' Law, comparing cc. 50, 53, 56, 59, 60, F. Liebermann, *Die Gesetze der Angelsachsen* (Halle, 1903–16) [hereafter cited as Liebermann], i. 383 f.; cf. *Anglo-Saxon Charters*, ed. A. J. Robertson, 2nd edn. (Cambridge, 1956) [hereafter cited as RC.], no. cx. For freemen see Laws of Ine, c. 3.2; cf. c. 70.

[2] *Op. cit.*, p. 326. Cf. Stenton, *op. cit.*, pp. 463 f.

[3] Liebermann, i. 456 f., 460 f. Cf. *Codex Diplomaticus Aevi Saxonici*, ed. J. M. Kemble (1839–48) [hereafter cited as KCD.], no. mcclxxxii; *Select English Historical Documents*, ed. F. E. Harmer (Cambridge, 1914), no. ii.

Conquest. 'The advent of the manorial epoch', according to Vinogradoff, 'is roughly marked by the Norman Conquest' and the history of the generations following the Domesday Survey 'is full of details as to the systematic simplification and elaboration [*sic*] of the hurried manorial scheme into a comprehensive and national order.'[1] It is clear that this emphasis on the importance of 1066 and the post-Conquest period is no longer satisfactory. Almost all the detailed work on Domesday Book and the early estate surveys has emphasized that the Conquest did not interrupt the general continuity of agrarian and manorial life and that, for all the many changes in individual fortunes, there was no social revolution among the peasantry.[2] Nor can the development of the manor as an economic unit be pushed into the twelfth century for there was then a substantial decline in two of its most important constituents, demesne and labour services;[3] a decline which, indeed, continued later on a great many estates. Thus the legal definition of the manor and its tenurial relationships in the later twelfth and thirteenth centuries came after the manor as a functioning economic unit, a farm, had suffered notable reduction. It could, of course, still be true that the manor grew in the ways envisaged in the traditional view of its history, even if the Normans are seen to have given it little more than its name. But, when forced mainly into the Anglo-Saxon period, the whole picture of its growth becomes less plausible. Is there time between the alleged flourishing of a free peasant society (exemplified in seventh and ninth century laws) and the mid-eleventh century, for the gradual rise of landlordship, in which the Danish invasions played a large part, and the emergence of a manorialism, with large demesnes and heavy labour services, already on the point of decline, indeed already declining?[4] It is possible; but is it likely?

Few historians have ever doubted that, in its upper ranks,

[1] *Op. cit.*, pp. 291, 302.

[2] e.g. Stenton, *op. cit.*, p. 473; *Feudal Documents from the Abbey of Bury St. Edmunds*, ed. D. C. Douglas (1932), p. cxxxiii. And compare the *Rectitudines Singularum Personarum* (Liebermann, i. 444–53) with twelfth century estate surveys.

[3] M. M. Postan, 'The Chronology of Labour Services', *Trans. Roy. Hist. Soc.*, 4th Ser., xx (1937), 169–93.

[4] R. S. Hoyt, 'Farm of the Manor and Community of the Vill in Domesday Book', *Speculum*, xxx (1955), 147–69, gives examples of demesne leasing.

Anglo-Saxon society was, from the beginning, very aristocratic and organized by lordship.[1] Around the king was a courtly group, military and ecclesiastical, whose members constituted a nobility with important legal privileges; and these lords, in their turn, had followers bound to them as closely as they themselves were to the king. In times of crisis, these bonds of lordship might weaken; does not Alfred emphasize them because they are one of the traditional elements of society which, like the kingship itself, is in danger?[2] But normally they seem much more vital and effective than those ties of kinship by which some historians have set such store.

For many reasons rural society could hardly fail to reflect this. From a variety of motives—the conventions of good lordship and piety; bribery;[3] the social necessity of enabling young men to marry and set up in their own households;[4] the military, economic and perhaps governmental advantages in encouraging colonization—kings and (though we have less evidence) other lords were most prodigal in grants of land. Most conspicuously is this so in grants to the church. But the reluctance with which the landbook seems to have been adapted to purely secular gifts does not argue any absence of unwritten grants to laymen.[5] If, for instance, Vortigern gave land to the leaders and possibly to all the Germanic *foederati* he invited, it is likely enough that similar grants by natives or by the Saxons themselves accompanied the settlement elsewhere. Ine's laws, while showing noblemen unendowed with land, make it clear that what was (or at least became) the normal class of *gesith* had substantial estates, and suggest it was this which distinguished them from the 600 shilling *gesithas*, in much the same way as size of estate was used to classify the subject Welsh.[6] Perhaps the early grants were limited to life or service, though even then hereditary claims may have been in

[1] e.g. H. M. Chadwick's powerful remarks in *The Origin of the English Nation* (Cambridge, 1907), ch. 7.

[2] Laws, Introduction c. 49. 7; cc. 1, 4.

[3] e.g. Anglo-Saxon Chronicle, *a.* 757A–E.

[4] Bede, *Epistola ad Ecgbertum Episcopum*, c. 11, ed. C. Plummer (Oxford, 1896), i. 415; *Historia Abbatum*, c. 1 (*ibid.*, 364).

[5] F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 59 ff.

[6] cc. 24, 32, 51, 63–6. A 'functional' criterion appears in c. 33. Cf. the provisions on changes of rank in Liebermann, i. 456–61.

practice strong.[1] But by the late ninth century, the preface to Alfred's version of St. Augustine's *Soliloquies* assumes that the follower will hope to dwell for a time only on 'land loaned from his lord', 'until, through his lord's kindness, he may earn bookland and perpetual possession'.[2] By this date too, the word *gesith* was normally restricted to noblemen or companions with land.[3]

Anglo-Saxon landlords, except those whose corporate or official character precluded it, seem usually to have lived in fairly close relation with the lands from which they drew their livelihood, whether by journeying about them or—which we may think was the common case with lesser *gesithas* at least—as residents on estates.[4] However, such association of lords with villages leaves undetermined their exact relationship to those villages, so that we cannot escape an old and famous question about the grants by which these lords came to hold their estates. This should most properly be asked of the earliest grants, but their apparent informality forces attention on the later ones made under book. What exactly do they grant? If they are to be taken at their word—and vague though they are on many things, they are hardly ever vague about this—it is usually the land itself, in perpetual ownership, that is being handed over. Since Maitland's classic discussion,[5] however, this has not been the received interpretation of their solemn words which have, instead, been taken as normally transferring what Maitland called a 'superiority' over the land, an immunity. But persuasive as his argument is, it is not free from internal weaknesses, and his apologetic language may suggest he had not altogether satisfied himself. For instance, to maintain that charters convey actual land is hardly to say that the land itself is either waste or cultivated only by slaves and *coloni* of

[1] H. M. Chadwick, *Studies on Anglo-Saxon Institutions* (Cambridge, 1905), Excursus v, pp. 367–77. Cf. *Cartularium Saxonicum*, ed. W. de G. Birch (1885–93) [hereafter cited as BCS.], no. 600 (cited by Stenton, *op. cit.*, p. 61 n. 1).

[2] *König Alfreds des Grossen Bearbeitung der Soliloquien des Augustinus*, ed. W. Endter, Bibl. der Angelsächsischen Prosa, xi (Hamburg, 1922), 2.

[3] H. R. Loyn, 'Gesiths and Thegns in Anglo-Saxon England . . .', *Eng. Hist. Rev.*, lxx (1955), 533–40.

[4] Bede, *Epist. ad Ecgb. Episc.*, c. 11 (ed. Plummer, i. 415); *Hist. Eccles.*, iii. c. 14 (*ibid.*, 156, ll. 2 ff.); *Beowulf*, ll. 837–40, 1125 ff.; Laws of Ine, cc. 63, 68. Note also the practice of burying noblemen in ordinary village cemeteries, as shown by finds of swords, etc.

[5] *Op. cit.*, pp. 230–42.

the donor.[1] Again, as Maitland admitted, 'the charters of this early period seldom suggest any such confusion between political power and ownership as that which we postulate'.[2] Indeed, the reverse is true somewhat later when, with developed diplomatic, landbooks became more precise in explaining intentions and effects. There will be charters which expressly do no more than alienate certain royal rights;[3] most seem to grant land as well as immunity, but sometimes with the revealing difference that the areas over which the two sorts of rights are granted do not coincide.[4] We may plausibly think that many of these so-called grants are really confirmations, or in effect merely the creation of an immunity for the existing landlord.[5] But in any case the grantee will have landlord rights. That charters could confuse political power and ownership is true enough, but those who used and devised them generally and not unnaturally took pains to avoid this. Further, there are common-sense points to be urged, especially since Maitland's interpretation of the landbooks must apply equally to grants by will. For whatever the nature of any public rights conveyed—be the royal *feorm* as heavy as can be imagined—these rights over, in many cases, not extensive areas, could alone hardly have provided that adequate support for the beneficiaries which donors obviously intended. The royal rights over, say, twenty hides will support no noble household, no private monastery; that warriors and communities were supported by grants of this magnitude—nobles often by much less—is a fact not lightly to be undermined.

Thus, even without the chronological and other difficulties in that scheme of manorial origins for which Maitland's interpretation of the landbook was an indispensable basis, that interpretation itself could hardly be sustained. The books must be taken at

[1] It is, of course, a very long time before documents of transfer will distinguish between land in hand (demesne) and tenanted land. I use 'land' to cover both.

[2] *Op. cit.*, p. 234.

[3] e.g. grants of dues on ships. Or BCS., no. 416.

[4] e.g. *Early Yorkshire Charters*, ed. W. Farrer (Edinburgh, 1914–16), i. no. 8. Cf. BCS., no. 1112, and RC., nos. liv, lxxxiv.

[5] e.g. BCS., nos. 1077–8, and RC., no. xxxiii; J. M. Davidson, 'On Some Anglo-Saxon Charters at Exeter', *Jl. of the Brit. Arch. Ass.*, xxxix (1883), 285–9; B.C.S., no. 967, if genuine, is probably a confirmation, see *Anglo-Saxon Wills*, ed. D. Whitelock (Cambridge, 1930) [hereafter cited as W.], pp. 106 f.

their face value. Whether as original grant or confirmation, they normally speak of actual land, usually at least partly colonized. Over it the grantee has landlord rights, generally fortified by an immunity over a similar or identical area. Maitland's own words on the significance of such an interpretation are worth quoting: 'If we hold by the letter of the charters, if we say that the king really does confer landownership upon the churches, there will be small room left for any landowners in England save the kings, the churches and perhaps a few great nobles.' [1]

What, then, was the structure of these estates? It is possible that some grantees cultivated all the available land directly with their own slaves. But in Wessex at least, by the late seventh century, most, if not all, lay lords had a proportion settled with tenants. Chapters 63–66 of Ine's laws deal with the *gesithcund mon* who wishes to leave his holding: if he has twenty hides, he is to show twelve hides of *gesett land*, if ten then six, and if three then one and a half. Easy as they are to place broadly in the context of an expanding kingdom, these laws are difficult to interpret and they have not received the emphasis they demand. What is *gesett land*? Many historians, including Liebermann, Sir Frank Stenton and Professor Whitelock, have taken it to mean 'sown land'.[2] Maitland favoured 'cultivated land', but he went on to elaborate this, with reference to the *seten* of Ine cap. 68, in a way which suggests that he intended land which had been let out to husbandmen.[3] Despite the weight of authority in support of 'sown land', the meaning 'land settled by tenants', which was adopted by Vinogradoff and earlier by Seebohm, seems to me clearly the right one.[4] Mere words may easily deceive, but the vocabulary of later estates drew not infrequently on *gesettan* and allied words, and drew on them in a consistent sense. In East Anglia, some estates will have *landsetti*, men holding *landsettagia*, or tenements

[1] *Op. cit.*, p. 232.

[2] Leibermann, i. 119, ii (2). 297c; Stenton, *Anglo-Saxon England*, p. 309; *English Historical Documents, c. 500–1042*, ed. D. Whitelock (1955), p. 371.

[3] *Op. cit.*, p. 238 n. 1; cf. *The Laws of The Earliest English Kings*, ed. F. L. Attenborough (Cambridge, 1922), pp. 56–9, 192.

[4] Vinogradoff, *The Growth of the Manor*, p. 128; *English Society in the Eleventh Century* (Oxford, 1908), pp. 193, 195; F. Seebohm, *The English Village Community*, 4th edn. (1905), pp. 128, 136 f.

in landsettagio;[1] on the other side of England, there are *gesettan landmen* in the *Dunsæte*;[2] everywhere, though the spelling will vary, there are *kotsetlan*, *cotsetti* and the like; we have the word 'settlers' still. To come nearer Ine's laws, the survey of Tidenham (Glos.) draws its firm contrast between *gesett land* (or *gafolland*), the land let out to peasants, and *inland*, which, as the Domesday Book entry shows, here certainly meant manorial demesne.[3] This is precisely the contrast implied in Ine's laws though there we are left to deduce the *inland* by subtracting the *gesett land* from the total assessment.

The exact purpose of these laws will tell us more. At a later date, *inland*[4] often also meant land exempt from many, if not all, public burdens. After the Conquest, only the *warland* or *utland* of a tenant-in-chief's demesne manors will pay geld; only, as the Northamptonshire Geld Roll puts it in at least one entry, the land that is *sett 7 gewered*.[5] From this to Ine's laws is a short step if, as I believe we should,[6] we postulate tax exemption for the non-*gesett land* in his reign. The king seems to have a limited object in mind; to prevent a *gesith* taking large numbers of his tenants with him when he leaves an estate, since this would reduce its taxes. But, though strictly applicable only to the moment of a lord's departure, these regulations would, of course, have been useless had they not been closely related to the usual structure of estates. Thus, in effect, Ine came very near to stating a normal minimum for the tenant land and a corresponding maximum for the demesne or exempt land. For obvious reasons, however, he had no wish to discourage nobles having *more* tenant or *less* demesne land.

Despite their fiscal context, these laws must be the starting-point for any inquiry into the structure of early estates in England. Their language assumes that dichotomy between demesne and peasant land which is central to manorial history; and it does so at

[1] D. C. Douglas, *The Social Structure of Medieval East Anglia* (Oxford, 1927), pp. 34, 48 f., 188 n. 1, 194. The one use of these terms outside East Anglia referred to on p. 48 n. 8 is an obvious misplacement in the Ramsey Cartulary, and belongs to the following survey of Brancaster (Norfolk).

[2] c. 6, Liebermann, i. 376.

[3] RC., no. cix. Domesday Book [hereafter cited as DB.], i. 164ai.

[4] The other meanings of this 'overworked term' (Stenton, *op. cit.*, p. 477 n. 1) need not concern us.

[5] RC., App. I, no. iii (p. 234).

[6] See Stenton, *loc. cit.*

an early date and in circumstances of rapid expansion of settlement which must have been altogether similar to those of one or two centuries before. At the same time, their purpose suggests that, while a *gesith* will not normally have more than 40 or 50 per cent. of his land in demesne, he may have less, even (we might conjecture) none at all.[1]

No other early English king or landlord, so far as we know, had occasion to elaborate on these distinctions, and few Old English documents mention them at all. The Tidenham survey, which divides the 30 hide estate there into 9 hides of *inland* and 21 hides of *gesett land*, is not certainly earlier than the mid-eleventh century,[2] while the description of the 16 hides of arable land at Bury as 6 hides in demesne (*into pæra byrig*) and 10 hides held by the peasants (*.x. hida manna earningaland*) does not antedate the Confessor's reign and may be post-Conquest.[3] Perhaps Brihtric and Ælfswith, when they left Harrietsham (Kent) to two brothers, the *inland* to Wulfheah and the *utland* to Ælfheah, were implying that the two parts were approximately equal, but we cannot be sure.[4] The statements in the Old English section of Offa's grant of Bexhill (Sx.) in 772, that there were 8 hides of *in land* and 20 hides of *gauolland pas ut landes*, cannot be contemporary and are, in any case, very difficult to interpret.[5] It may be worth recording the difficulty of finding an indisputable case in Old English sources of an estate which had no demesne, but this becomes less impressive when it is remembered how little reason contemporaries had for noting these matters in writing.[6] There is

[1] The frequency with which the *inland* is a round 40 or 50 per cent. of the total assessment of a hundred in the Northants Geld Roll makes an interesting comparison with Ine's laws.

[2] RC., no. cix. Although it has often been connected with King Eadwig's grant of Tidenham in 956 (BCS., no. 927) or with the lease of the manor to Archbishop Stigand, datable to 1061–5 (RC., no. cxvii), there is no convincing reason for associating it with either; they do, however, provide limiting dates, since the abbey of Bath did not regain possession after the lease.

[3] RC., no. civ (p. 194); but cf. *byrigland* in *ibid.*, App. I, no. iii (p. 234).

[4] W., no. xi. But cf. J. E. A. Jolliffe's remark, *Eng. Hist. Rev.*, xlvi (1931), 319; and his *Pre-Feudal England: the Jutes* (Oxford, 1933), c. 1.

[5] BCS., no. 208, probably otherwise genuine; but cf. Jolliffe, *op. cit.*, p. 75. Cf. RC., no. lxxxi.

[6] I cannot agree with Sir Frank Stenton's interpretation of KCD., no. dccclxxi, in his *Types of Manorial Structure in the Northern Danelaw* (Oxford, 1910), pp. 37 ff. Even allowing that the oddities of this charter

a certain cumulative weight in these facts, few and scattered though they are; but no more. They certainly cannot be safely used as evidence that demesnes normally approached the maximum proportions implied in Ine's laws, even in the south of England.[1] Indeed it is hard to see how the history of demesnes can be carried beyond Domesday Book except in isolated cases; and that record is eloquent in forbidding generalization from these. The antiquity of many of the later eleventh century variations in the importance of manorial demesnes, between different regions, landlords and (less plausibly) races, has often been asserted. It would be optimistic to suppose it can ever be substantiated in detail.

Because of this, and because demesne and peasantry normally developed in sympathy, our understanding of the other constituent of the estate, the tenantry, must remain unsure. Its variable terminology—it appears, for instance, as *gesett land*, *gafolland*, *utland*, *warland*[2]—reveals a dual nature which did much to determine its history and to confuse our understanding of it. The tenants of the lord (the settlers) are also taxpayers (*gafolgeldan*) of the king.[3] Not only therefore are their obligations of a twofold kind, but the lord's interests in letting out his land are correspondingly mixed. From some of his tenants he may require no more than an oath of loyalty in addition to the taxes incumbent on the land; from most he will also exact miscellaneous rents and services. The confusion of private and public obligations, which has impressed all historians, is thus fundamental to the structure of the estate from its beginning. It is heightened, not created, when the king alienates some or all of his

do not put it out of consideration for eleventh century conditions, the grant of 'terram nostram de Hikelinge et terram de Kinildetune cum firma et seruitio, sicut habetur in dominio nostro' hardly indicates absence of demesne. The transaction is of a common enough type; a donor wishes to continue in occupation and becomes in effect a lessee for life. No direct light is cast on the structure of the estates, except (in my view) to hint that there was land in demesne.

[1] e.g. even allowing for the effects of a hard winter, BCS., nos. 618–19, suggest a proportionately small demesne.

[2] For these terms, see e.g. Laws of Ine, cc. 64–6; RC., no. cix; W., no. xi; BCS., no. 208 (above, p. 67); *The Burton Abbey Twelfth Century Surveys*, ed. C. G. O. Bridgeman (Wm. Salt Archaeological Soc., 1916), *passim*. Cf. *geneatland* in II Edgar, c. 1.1.

[3] See especially R.C., no. cix, where *gesett land* and *gafolland* coincide.

public rights to the landlord. At the same time, *gafolland*, *warland* and *utland*, being terms of public not private bearing, are not confined to the taxable part of lordly estates; they can be applied equally well to any taxable land. It is with this in mind that we may probably best understand that controversial phrase in Alfred and Guthrum's treaty, 'the ceorls who dwell on *gafolland*';[1] or the *gafolland* occupied by *geburas* at Chinnock (Somerset) and by *geneatas* and *geburas* at Tidenham.[2] Such statements merely record that the land in question is taxable; those who hold it may or may not be tenants of a lord.

Equally fundamental is the intermixture of free and slave elements which makes it impossible to assess accurately the relative importance of persons of different ancestry among the Old English peasantry. Certainly the dominance of servitude in the later manor, and the evident numerical importance of slaves and freedmen in Anglo-Saxon England, argue the influence of slavery in the evolution of the tenantry.[3] And now and again manumitted slaves can be seen entering the peasantry;[4] for instance those who, in the late Old English period at least, were granted service holdings, ploughmen, shepherds and the like.[5] But it is truly seldom that they preserve any cohesion in the manorial population; there are, after all, fewer than 900 persons called *coliberti* in Domesday Book, though many more slaves had been freed well within memory.[6] This is partly because, now as later, men are

[1] c. 2. See Vinogradoff, *The Growth of the Manor*, pp. 132, 240 f.; R. H. C. Davis, 'East Anglia and the Danelaw', *Trans. Roy. Hist. Soc.*, 5th Ser., v (1955), 33 f. Compare, for example, Stenton, *Anglo-Saxon England*, p. 259 n. 1. If the phrase implies other ceorls who did not dwell on *gafolland*, these would presumably include those without any land or dwelling only on the *inland* of an estate.

[2] W., no. iii; RC., no. cix. Compare the gafolkinders in Kent.

[3] Slaves seem normally to have been landless in England. For exceptions, see, e.g., H. P. R. Finberg, *Tavistock Abbey* (Cambridge, 1951), p. 60; W., no. xxxiv (p. 88, ll. 22 f.); *Liber Niger Mon. S. Petri de Burgo*, ed. T. Stapleton (Camden Soc., xlvii, 1849), p. 163 (Castor, Northants). Landed slaves may have been more numerous earlier.

[4] Cf. Alfred's use of *ceorl* to translate *libertinus*, *King Alfred's Orosius*, ed. H. Sweet (Early Eng. Text Soc., lxxix, 1883), p. 162.

[5] M. M. Postan, *The Famulus: The Estate Labourer in the Twelfth and Thirteenth Centuries* (*Econ. Hist. Rev.*, Suppl. no. 2, 1954), pp. 5–14.

[6] H. Ellis, *A General Introduction to Domesday Book* (1833), ii. 511, gives 858 *coliberti* and 62 *buri*. There is none recorded in Essex despite the large manumissions there between 1066 and 1086.

described by their tenures and the tenements they hold, less frequently by their present status, and hardly at all by reference to their ancestry. Yet such assimilation of freed with free would not have been possible but for the curious fact that outside Kent (at least in the seventh century) with its three groups of *lætas*, and the early Danelaw, there was, so far as is known, no legal class of freedmen with a distinct position in the hierarchy of wergilds and *mund* values.[1] The legal depression of the ordinary manorial tenantry, much of which only occurred in the post-Conquest period, has one of its origins in this easy and widespread absorption of freedmen, in which those of free birth were so obviously liable to suffer.

This assimilation, casually assumed perhaps in Ine's use of the unparticular *mon* in cap. 67 of his laws, is accurately reflected in the normal term for peasant. *Ceorl* is a general, a legal word which, of itself, denoted no particular economic or social position.[2] True, we may piece together a fair amount of information from the laws,[3] but the prevailing impression is that the jingle *eorl and ceorl* persisted because one of its terms at least was beautifully vague. There is a gulf between the reeve Abba and the ceorls at Hurstbourne (Hants) which, making full allowance for differences of time and place, no precise social or economic terminology could possibly have overlooked.[4] The confidence, therefore, with which historians have often written about the history of the ceorl has not only gone beyond the evidence; it has also gone against the ambiguity of the name itself. When kings or surveyors wished to refer to something less than the whole group between noble and slave they normally eschewed *ceorl* in favour of more particular terms, such as *geneat*, *cotsetla* and *gebur*; all were ceorls, that is, they shared a uniform legal worth and recognition in the public courts.

[1] Laws of Æthelberht, c. 26. Alfred and Guthrum's Treaty, c. 2. Is this why the obviously important class of Danish *liesengas* (ON. *leysingjar*) virtually disappear (but see W., no. xxxvi)?

[2] See Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 85 ff.; H. P. R. Finberg, *Roman and Saxon Withington* (Leicester, 1955), p. 36 n. 4.

[3] e.g. Laws of Ine, c. 42 (cf. place-names such as Charlton), which, however, warrants no deductions as to their tenurial independence, etc. See also Laws of Æthelberht, c. 27, Alfred, c. 40.

[4] *Select Eng. Hist. Docs.*, ed. Harmer, no. ii (though Abba may not have been a ceorl, for 'min wærgeld twa ðusenda' is very obscure); RC., no. cx.

The tenancies of the *geburas* have been described in detail often enough elsewhere. What demands attention is the fact that their tenements, if taken with their later equivalents, bear all the marks of lordly policy. They are, in the first place, regular in size; not, indeed, as regular as used to be thought, but sufficiently so to make it impossible to see them as mere fragments of once larger holdings, and to argue strongly for some ordered creation and control of the tenements by a superior.[1] And this is what the evidence shows. In a famous chapter of his laws, which has generally been associated with the *geburas*, Ine refers to holdings of a yard of land or more, held at rent or at works and rent, which have been created by the landlord, a point underlined in the *Rectitudines Singularum Personarum* by the lord providing the tenant with his first requisites.[2] Since these two sources, however, deal only in generalities, we are fortunate in being able to cite particular cases of such settlement of tenants. The most revealing is on the Somerset estate of Chinnock in the tenth century.[3] Wynflæd, or an ancestor, had apparently leased it from the nuns of Shaftesbury, to whom it was to revert on her death. But she owned the stock and the men, and so, in addition to disposing of the slaves and stock, she grants 'the *geburas* who dwell on the *gafolland*'. Though they were in fact given to Shaftesbury, the whole transaction, and especially the careful distinction between land and men, is most readily comprehensible on the assumption that she (or an ancestor) had settled the tenants there. That they remained liable to eviction is obvious, and there is a hint of this also at Ebbesborne Wake (Wilts.) fifty or so years before.[4] But the frequency with which estates were transferred, as in the event was Chinnock,[5] with stock and men suggests that, in practice, the *gebur*, like the later villein, enjoyed substantial security of tenure. There is similar variation in the degree to which the *gebur* was fixed to his holding. Ine cap. 67 implies a measure of free bargaining between lord and tenant, but its assumption seems to

[1] Cf. RC., no. cix, in which the *gesett land* is described in yards. For regularity of village plan, see Sutton Courtenay (Berks.) and Sir Frank Stenton's remarks, *op. cit.*, p. 283 n. 3.

[2] c. 67; Liebermann, i. 446 ff. [3] W., no. iii (? *c.* 950). And see n. 5.

[4] Harmer, *op. cit.*, no. xvii.

[5] And see Laws of Ine, cc. 63–6, 68. By contrast, see the cases of Bupton (Derbys.) and Longdon (Staffs.) in Wulfric Spot's will, W., no. xvii; and the freedmen at Charlton (Dorset), W., no. iii.

be—though it is no very clear matter—that, within the limits the king is prescribing, the tenant is tied to his yard of land. Other sources show the same. Two persons at Bedwyn (Wilts.), not later than about the year 1000, were released from the *geburland*, with licence to go where they wished, for 300 pence—for slightly less a slave could buy his freedom;[1] and the meticulous care with which the genealogies and marriages of the *geburas* at Hatfield (Herts.) were recorded can reasonably be interpreted as a sign that they were tied to the land no less than to the lord.[2] In the tenth and eleventh centuries, therefore, the *gebur* seems in many respects very similar to the *colonus* with whom glossators and translators could identify him.[3] But too much—the decline of slavery, the rise of private jurisdiction, and so on—stands between him and his ancestors in the seventh century to permit much confidence about his earlier position, or about the precise way in which his economic subservience was grafted into a law which admitted his free status.

The cottagers and lesser peasantry were an altogether more miscellaneous group, as the unusual wealth of Domesday Book terminology suggests. Their poverty and variety of condition hint, for instance, at the operation of demographic factors and considerable recruitment into the poorer peasantry from the full or half yardlanders.[4] But many had clearly been settled by lords in the humble tenements in which we find them; for example, most of the *coliberti* of Domesday Book,[5] or the many slaves who, in Essex at least, were absorbed among the bordars between 1066 and 1086.[6] No doubt these tenants shared in the same servitude

[1] M. Förster, *Der Flussname Themse und seine Sippe* (München, 1941), App. I, no. 3, pp. 794 f. It is possible, if unlikely, that these two persons were still slaves, though holding *geburland*.

[2] *A Hand-Book to the Land Charters and Other Saxonic Documents*, ed. J. Earle (Oxford, 1888), pp. 275 ff. Cf. restrictions on the service of a manumitted slave in W., no. iii, p. 10, ll. 28 f. On the other hand, see Laws of Wihtred, c. 8.

[3] Cf. *Leis Willelme*, c. 29 (Liebermann, i., 512).

[4] e.g. in Essex between 1066 and 1086, as DB. shows.

[5] At Wallop (Hants) (i. 38bii) and perhaps at Cosham (Hants) (i. 38aii), DB. equates *coliberti* and *buri*, but this cannot be applied generally. Normally the DB. *colibertus* is clearly a very small holder, sometimes perhaps a 'service *famulus*'.

[6] Cf. *cotseti* and the like settled on former demesne land on some manors of Burton Abbey in the early twelfth century (Wm. Salt Arch. Soc., 1916, e.g. p. 235A).

as the *geburas*; one of the few personal notes in the history of freedmen in England shows a certain Kynemerus (Cynemær) son of Ulmer (Wulfmær), *colibertus*, 'oppressed by the work and the name', giving the Abbey of Gloucester a fishery for his freedom in the course of the eighth century.[1]

More fortunate were the closer personal dependents of lords, those who, in subordinate capacities, ministered to them in their halls, on their journeys, on the chase, or in their primitive administration. Like many medieval servants, these *geneatas*, reeves and the like, could be elevated by their service, and though they are found towards the end of the Old English period among the upper ranks of the peasantry and shade easily into the thegnly class, there is no necessity to believe that they all descended from freeborn servants rather than slaves. Here too, therefore, assimilation of heterogeneous elements was of importance. The stages, however, by which these men entered the tenantry must remain obscure and cannot, in any case, be sharply distinguished from those by which more substantial followers were also obtaining land. But that they most normally received grants from their masters by way of reward or for future service is not to be doubted.

This is, indeed, the crucial point. The groups we have been considering—and they comprise a large proportion of the known Old English tenantry—show no sign of having ever been, as a whole, unattached landowning peasants. Their tenements and tenure, their customs and even their status, have evolved from the beginning to meet the complex needs, private and public, of great lords from the king downwards. The evidence is admittedly fragmentary; its geographical and chronological limitations are obvious; and it leaves uncertain many vital matters in the history of tenant right. But that a source as early as Ine's laws should show estates, demesnes and tenantry in the forefront of social institutions, and should show them in a way readily intelligible in the light of later records from the south and west of England, are challenging facts. Even if estate history could be pushed no earlier and no further afield, some large readjustment in our ideas of Old English social history would seem to be necessary, since, on any view, much of England must have been settled in this way.

The vocabulary of settlement, indeed, often shows it to have

[1] *Hist. et Cart. Mon. S. Petri Gloucestriae*, ed. W. H. Hart (Rolls Series, 1863–7), i. 77, 124; iii. 274. Mr. Finberg kindly drew my attention to this.

been so. But this vocabulary does much more. For the association of individuals with particular settlements is widely and impressively stamped on the nomenclature of the countryside, in all areas and at all dates. As early as 1911, Sir Frank Stenton stated clearly the social implications of this: 'When at last English place-names as a whole have undergone detailed investigation, the most notable result of the work will be the recognition of the seignorial idea as a primitive force in the organization of rural society.'[1] The commonest types of such individual association, a genitival composition with personal, family or 'class' name, or the use of *-ing* with genitival force with such elements, leave, it is true, a great deal unexplained, and, in view of the varied relationships which could be indicated by the genitive, should not uniformly be taken as signifying a proprietary connection.[2] Nor, of course, does the mere association of an individual with a settlement necessarily imply an estate rather than a peasant holding; a *-cot* normally had humble beginnings whatever its prefix. But not infrequently we plainly have to do with a person of some eminence, as with certain 'class' names, for instance *cyning*, *ealdormann*; or with known individuals of substance.[3] Again, the element with which the personal name is compounded may indicate a sizeable estate, as in most uses of *-ham* and probably many *-tun* and *-ingtun* names. Such name formations do much to extend the area and, in some cases (e.g. *-ham*), the chronological limits, within which private estates can be shown to have existed. But they hardly penetrate at all into the social composition of those estates. Hence the vital importance of the *-ingas* names. Admittedly their etymology is still a matter of some uncertainty, and probably must remain so; but, according to a recent authority, the early type, formed from personal names, is properly to be interpreted as 'the dependents and followers of a certain individual'.[4] No doubt such names

[1] *The Place-Names of Berkshire* (Reading, 1911), p. 25. Cf. his *Types of Manorial Structure in the Northern Danelaw*, pp. 90 f.

[2] See especially E. Tengstrand, *A Contribution to the Study of Genitival Composition in Old English Place-Names* (Uppsala, 1940).

[3] Cf. BCS., no. 449. A considerable number of the landowners of 1066 gave their names to villages. Cf. the use of monothematic (probably upper class) personal names in early place-name formation.

[4] A. H. Smith, *English Place-Name Elements* (Eng. Place-Name Soc., xxv–xxvi, 1956), i. 300.

could cover many relationships, from (it may be) the most military[1] to the most agricultural, but it is surely hard not to see in them signs of that estate structure already traced in written evidence as early as Ine's reign. The importance of such a conclusion is obvious, for these *-ingas* names have been generally recognized as marking lines of primary Anglo-Saxon penetration.[2] That this settlement was organized very often in the same general way as the later kingdom of Wessex, by estates and under lordly direction—this seems to be the meaning of our early *-ingas* names.

In many places, *-ingas* settlements must originally have been unitary, estate and village, manor and vill, being one. Along the Sussex coastlands, for instance, or up the western Rother, their density often leaves little room for more extensive groupings. And on general grounds, it is probable that unitary settlements were much commoner in early Anglo-Saxon times than can now be proved. For, overlaying them, 'discrete' estates (estate units covering more than one significant settlement) would be formed as an early and inevitable consequence of the expansion of population and settlement.[3] It is, therefore, unlikely to be coincidence that many such estates later give the appearance of antiquity, or that early charters frequently convey land which was already or soon came to be composed of more than one settlement. The topography of discrete estates, however, varied very considerably, particularly according to the disposition of the wastes, woods and pastures on which secondary units appeared. Thus, the detached pasture and other rights of a group of east Sussex villages gave rise to distant appurtenant holdings, with arable and tenants, which, in 1086, still bore in their names unmistakable signs of their original parentage.[4] The degree of integration of the discrete estate differed accordingly. Where the whole was contiguous or reasonably compact, there was likely to be a fairly uniform structure, though not necessarily one where demesne and peasant land were evenly distributed. At Tidenham, for example, the 9

[1] See E. Ekwall, *English Place-Names in -ing* (Lund, 1923), pp. 125 f.

[2] Ekwall, *op. cit.*, pp. 106–26; Smith, *op. cit.*, *s.v. -ingas*; A. H. Smith, 'Place-Names and the Anglo-Saxon Settlement', *Proc. of the British Academy*, xlii (1956), 73–88.

[3] See, e.g., Smith, *English Place-Name Elements*, *s.v. prop.*

[4] *The Victoria History of the County of Sussex*, ed. W. Page and L. F. Salzman (1905–), i. 357 f.

hides of demesne land and 21 hides of tenant land were divided unequally between the five or so adjacent places which composed the estate.[1] Elsewhere the outliers or berewicks may have had little or no demesne, being occupied mainly or entirely by a subject peasantry owing dues and services to the parent village, in ways reminiscent of some late Roman estates with their groups of *coloni*. This could, perhaps, explain the equation in one of the two versions of a forged Abingdon charter of the phrase *gebura tun* with the Latin *appendicium*.[2] Again, the very distance of the Sussex outliers just mentioned seems often to have dissuaded lords from developing any arable demesnes and so ensured a large measure of what one might call tenemental autonomy. Structural variations of this kind (those instanced are but a sample) in the cells of discrete estates, even in the different cells of one estate, are of the utmost importance in manorial history. Not only did they give a complexity to estate structure from very early days: they opened the way to even greater variety in the future when any parts became separate manors.

But discrete estates were not only formed, so to speak, naturally. Many were, in one way or another, artificial groupings following on the acquisition by a lord of nearby estates or rights. Such artificial or centripetal groupings proceeded from a variety of motives, more or less agricultural, more or less administrative, and did not therefore necessarily affect significantly the working of the parts. Many of those for the render of private food farms, as on the Bury estates,[3] can have had only the most superficial effects on the individual settlements. On the other hand, groupings might arise from causes which imply integration with the head unit. A lease by Bishop Oswald of two hides less sixty acres at Wolverton (Worcs.) mentions that this land had been attached by him to his manor of Kempsey as wheat-growing land.[4]

The difficulty, often the impossibility, of distinguishing in

[1] RC., no. cix.

[2] BCS., no. 366. Cf. the topography of Welford (Berks.) at a later date, see DB., i. 58bii; D. C. Douglas, 'Some Early Surveys from the Abbey of Abingdon', *Eng. Hist. Rev.*, xliv (1929), 625; *Chron. Mon. de Abingdon*, ed. J. Stevenson (Rolls Series, 1858), ii. 301–6, 310.

[3] RC., no. civ.

[4] RC., no. lv. Cf. Ashford (Kent) in W., no. xxxii. For an early Kentish example, BCS., nos. 97, 98, on which see G. Ward, 'The Wilmington Charter of A.D. 700', *Arch. Cantiana*, xlviii (1936), 11–28.

practice these artificial groupings from the natural, centrifugal ones may easily hide the fact that they belong, as their impermanence and untidiness sometimes indicate, to a different aspect of estate history. Despite their frequent unificatory effects, they should be seen as part of the disintegration of the primitive estate. Expansion of settlement, sales and mortgages, leases and rewards, inheritance and family arrangements, forfeiture, piety, illegality:[1] these and other factors gave to estate and village history a vitality and movement which could not fail to complicate the relative simplicity of the early estate, and to obscure and ultimately destroy that unity of lordship and settlement on which it was based. They might for long leave a manor untouched. They might subdivide a discrete manor, causing merely a different arrangement of settlements—though even then any variety of structure in the cells of the old estate could lead to considerable abnormalities in the new. But in other cases, and everywhere if the process continued long enough, they led to the subdivision of villages themselves.[2] Such changes have a central importance for the study of the manor. For, whether or not we work explicitly back from Domesday Book, any theory of the origins of the manor in early Anglo-Saxon history must rest not only on the hazardous phrases of the laws and charters, but also on its ability to explain the first sure and general facts we have, those of 1066 and 1086. The contrasts between the complex agrarian structure they reveal, even in the old kingdom of Wessex, and the relative simplicity we have alleged for the original manorial settlements, are deep and striking, and, viewed in isolation, might cast doubt on the earlier half of the picture. The evidence of intervening changes not only justifies those contrasts. It demands them.

At the same time, by isolating change from origin, we shall be in danger of oversimplifying and implying too neat and rigid a time sequence. For manors were being created and being altered not only at the same time but by the same steps. Consider, for instance, the contrary effects of the demands of good lordship and the good household on social and estate structure. We have seen how important in the creation of peasant holdings were

[1] e.g. RC., no. liv.

[2] As these remarks indicate, it may be difficult to know the precise effects of a particular transaction. But the conclusions are unaffected by this slight uncertainty over some of the examples.

grants to *geneatas* and freedmen. But the former, as suggested by Domesday Book's vacillating treatment of larger sub-tenancies (now put among the ordinary peasantry, now described as sub-manors), are not easily distinguished from grants to thegns which, by their size, must be reckoned as assisting the fragmentation of the parent manor and the emergence of additional and smaller estate units. And then consider that good lordship does not only tear manors apart. It can, and much has been made of this, attract landowners to commend themselves to a dominant lord and so reassert the lost unity of a village, or even create it for the first time. The impossibility of clearly describing these contrary tendencies as a whole must not prevent us thinking of them as one in the final analysis; only thus can we explain the complexity of manorial topography and structure in 1066. Nonetheless, we must manage now on a few selected themes.

Certainly one of the chief solvents of the early estate unit was family arrangements, in particular the existence of co-heirs, or co-heiresses.[1] Each of the heirs might be given one or more complete manors,[2] but on smaller lordships partition of manors and villages was extremely common, and Domesday Book provides countless examples both of the ubiquity of partible inheritance among the upper classes and of its consequences. The heirs could, of course, keep the manor together, merely dividing the profits. But frequently, perhaps usually in the end, a physical division would be made, as with the five hides at Whaddon (Glos.) which, in 1066, were held by five brothers 'pro .v. maneriis . . .7 pares erant'.[3] Wives often had to be provided for in addition to their morning gift, and this could not invariably be done with whole manors. Ælfhelm, in his will made between 975 and 1016, left half his estate at Conington (Cambs.), already shorn of four

[1] Since, however, partible inheritance is the only cause of division which can be readily detected outside the wills, its importance may appear comparatively greater than it was.

[2] e.g. W., no. x.

[3] DB., i. 168bii. The effects would be heightened if the brothers then commended themselves to different lords, e.g. DB., i. 144ai (Stone, Bucks.), 152bi (Datchet, Bucks.). For division between co-heiresses, see, e.g., DB., i. 32ai (Weybridge, Surrey), or between mixed heirs, e.g. W., no. xxi (Butcombe, Somerset). A partial division only might be made, e.g. DB., i. 45ai (Wickham, Hants). Cf. the duplicate entries for Chardford (Hants) in DB., i. 44bii, 46ai, for the difficulty of knowing if a physical division was made.

and a half hides granted by him to others, to his wife and daughter 'to divide between them'.[1] Many other relatives might make calls on a man's generosity, sometimes causing subdivision. The same Ælfhelm left his property at Troston (Suffolk) less a part already given away, 'to be divided among my three brothers'.[2]

Relatives and followers were never mutually exclusive categories, as several of Bishop Oswald's leases show,[3] and similar conventions of good lordship embraced both. Followers and servants could be lavishly rewarded, though even then not necessarily with whole manors,[4] but the characteristic gifts were comparatively modest. Æthelflæd, daughter of Ealdorman Ælfgar and second wife of King Edmund, granted at Donyland (Essex) two hides each to her *cniht* Brihtwold, two of her priests and her kinsman Ælfgeat.[5] More common still were grants of up to about half a hide or the division of an estate between a body of followers. Leofgifu, in her will between 1035 and 1044, thus rewarded, among others, three stewards, a reeve and various priests in several of her manors, and Lawford (Essex) went to 'Æthelric my household chaplain and Ælfric [and] my *cnihtas* who will serve me best'.[6] Outside the wills and charters it is not easy to trace such rewards—some of our Knightons must surely reflect them[7]—and one has to speak with caution on their importance. But, plainly, they could violently alter the structure of a manor, sometimes in a way which can be misleading to historians. For instance, they explain some of the unattached or merely commended freemen of Domesday Book. At Dullingham (Cambs.) in 1066 three sokemen held 2 hides 10 acres, 'and they could not withdraw'; according to the *Inquisitio Comitatus Cantabrigiensis* one of them was named Wichinz (Vikingr) and was a man of Earl Harold. It is only by chance that we know that this man was no archaic survival from some distant past, free Danish or free Anglo-Saxon, weighed down by commendation, but

[1] W., no. xiii; and, e.g., no. xxiv (Roydon, Norfolk).

[2] W., no. xiii.

[3] e.g. RC., no. xlvi, and p. 343 for other references.

[4] e.g. W., no. xx (Chalton, Hants).

[5] W., no. xiv.

[6] W., no. xxix, in which the size of reward, when stated, is small. See also no. xxxix (Limber, Lincs.). A follower might, of course, receive more than one small reward.

[7] Possibly those in DB., i. 39bi, 54ai, 63bi.

recently a *cniht* of Thurstan, who had rewarded him with this very holding.[1]

Without at all challenging the conventions of good lordship—no lord would wish to do this consistently—many greater lords were obviously aware from an early date of the serious effects of such grants to their kinsmen and their household. Hence the arrangements for a temporary division only, with remainder of the entire holding to a survivor or a third party.[2] Hence, more important, the lease.[3] But the lease, by facilitating rewards and the creation of a following by land grants, may even have increased the volume of lordly grants without significantly reducing their disintegrating effects on manorial structure. During the term of a lease, its results were not distinguishable from those of permanent grant, except that the attachment to the parent manor was usually preserved by rents, services or commendation.[4] At its end, if the claims of heirs were defeated, the estate would revert, and in theory it could be fully reabsorbed. In practice, however, by the later Old English period at least, loan land could not easily or often be restored to demesne.[5] Thegn land and associated tenures, such as dreng land and reeve land, were thus major factors in the long- no less than in the short-term fragmentation of manors. For though leases could be made of complete manors, individual holdings were frequently divided or, which is quite as important, brought together in strange, new combinations.[6]

[1] W., no. xxxi and pp. 194 f., for the other references. For another possible case see W., no. xxxi, and DB., ii. 31a (half a hide at Ongar, Essex). Partible inheritance may similarly mislead; cf. DB., i. 206aii (Gidding, Hunts.), where we are only incidentally told that the six sokemen were brothers.

[2] e.g. W., no. xviii (Dumbleton, Glos., and Tew, Oxon.).

[3] To relatives as well as other followers; e.g. above p. 79 n. 3; Bishop Esne's leases at Taunton, A. G. C. Turner, 'Some Old English Passages Relating to the Episcopal Manor of Taunton', *Proc. of the Somerset Arch. and Nat. Hist. Soc.*, xcviii (1953), 119.

[4] See B. Dodwell, 'East Anglian Commendation', *Eng. Hist. Rev.*, lxiii (1948), 289–306, especially 303–6. For an exception, see, e.g., DB., i. 72aii (Highway, Wilts.).

[5] Exceptions are not, however, uncommon in DB.; see, e.g., *The Victoria History of Wiltshire*, ed. R. B. Pugh and E. Crittall (1953–), ii. 82 f.

[6] For dispersed thegnlands, see, e.g., RC., nos. xliii, xlvi, lxv, lxvii; BCS., nos. 1204–5. Thegnlands often occupy only part of a settlement in DB., e.g. in Wiltshire; similarly among Bishop Oswald's leases, e.g. RC., nos. lvi, lviii.

On lay lordships piety contributed greatly to the division of manors.[1] Certainly, monastic and episcopal churches would often receive whole manors, but an estate did not always allow this. Queen Ælfgifu Emma granted five hides at Hayling Island to the Old Minster, Winchester, and the same amount there to Wulfweard the White, and although she intended the latter half to pass to Winchester on Wulfweard's death, her wishes did not take effect.[2] Much more often, manors lost part of their land through grants to village and private churches; these could be very small[3] and seldom exceeded half a hide. For instance, Thurstan left to Merewine, his wife and their children, his estate at Dunmow (Essex), less half a hide for the church; in Domesday Book, the manor duly appears as four and a half hides, the church's half hide apparently being omitted from the survey.[4]

Division could also arise in less straightforward ways, as when the earl had a third of all forfeitures and the king or a royal grantee the remainder. The Domesday Book disputes in the west riding of Lincolnshire record that: 'The shire bears witness that Gonnewate's land, one manor, having one carucate in demesne, was forfeited, two parts to St. Mary of Stow, and the third part to the earl's use . . . Likewise also with respect to Stangrim's land, 18 bovates of land.' [5]

In the late Old English period, if not before, another development altogether began to influence manorial history. The disintegration of manorial demesnes due to leasing to large groups of men, often all the villeins of the manor, is now a familiar enough feature of the twelfth century.[6] But, as Domesday Book shows, it had begun before the Conquest, at least on ecclesiastical estates in the south of England.[7] For example, in 1066 and 1086 the villeins held the five hides at Millbrook (Hants); no demesne is

[1] Cf. divisions resulting from payment of soulscot in land, e.g. W., no. xix (Tardebigge, Worcs.).

[2] RC., no. cxiv and p. 462. See also, e.g., RC., no. xxix; W., no. xxxi.

[3] e.g. W., nos. xxxiii, xxxiv.

[4] W., no. xxxi, DB., ii. 69a.

[5] DB., i. 376aii. This division of forfeitures is said to apply to all the wapentake of Well.

[6] Postan, 'The Chronology of Labour Services', *Trans. Roy. Hist. Soc.*, 4th Ser., xx (1937), 169–93.

[7] Hoyt, 'Farm of the Manor and Community of the Vill', *Speculum*, xxx (1955), 147–69.

mentioned, and the statement 'non est ibi aula' seems to underline the effects of the leasing.[1] The incidental way in which such matters could be mentioned, and the fact that the final version of the Domesday survey could omit them even when available at an earlier stage of the inquiry,[2] make it certain that these leasings were more common than Domesday Book records. How much more common it is impossible to say, but some at least of the manors without demesne are likely to conceal such a history.

It would, however, be quite wrong to give the impression that Anglo-Saxon estate history was entirely one of fragmentation, of large families clamouring to divide their inheritances, and of demesnes disappearing. Family settlements were not always permanent; nine carucates and five bovates at Wymeswold (Leics.) were once held by two brothers as two manors, but, before 1066, one bought out the other and 'fecit unum manerium de duobus'.[3] A lease will revert: peasant land can be brought into demesne.[4] Things done may be undone, or partly so. More than that, some landlords, especially (it may be) ecclesiastical lords, make new manors.[5] Purchase of land or mortgages, pious gift, brute force and local influence could soon assemble a property. Commendation had a similar if obscure role, often, it is true, merely preserving existing tenurial relationships, but sometimes, at least in the late Old English period and in some localities, creating new ones.[6] It would, in fact, be hard to cite any period in which the determined Anglo-Saxon lord could not make manors and amass an estate; the very impermanence of many such accumulations made them the easier to come by. But making manors, no less than making great estates, was not normally very neat work. It was, therefore, not only the disruptive tendencies in society

[1] DB., i. 41bii.

[2] Hoyt, *op. cit.*, pp. 152 ff.

[3] DB., i. 233ai. Cf. i. 159bi (Orgar's holdings in Berrick Salome and Gangsdown Hill, Oxon.). Above, p. 80 n. 2.

[4] e.g. DB., i. 159ai (Nuneham Courtenay, Oxon.). Professor R. R. Darlington's interpretation of such entries (*The Victoria Hist. of Wiltshire*, ii. 83) cannot be sustained. They carry no implication of 'wrongful encroachments' on 'the villeins' own land'. Their purpose was to prevent lords obtaining tax-exemption for additions to demesnes.

[5] See, e.g., *Liber Eliensis*, ed. D. J. Stewart (1848), i. *passim*; RC., no. xl.

[6] Dodwell, 'East Anglian Commendation', *Eng. Hist. Rev.*, lxiii (1948), 289–306.

which caused the complexity and untidiness of manorial (and estate) topography in 1066; it was also, perhaps equally, men's efforts to reverse them.

The facts of Anglo-Saxon manorial history can never be easy to manage. Their intractability goes deeper than mere difficulties in the evidence, of terminology, authenticity and date—great though these are. Like King William's surveyors, we must struggle to discipline them, but if, in the end, they seem a tangle still, we have not necessarily failed to understand and see them as they were; this much almost any will or folio of Domesday Book can show. When, however, the chronicle of estates in the later Old English period is told in detail—and from Domesday Book, the wills and charters this may yet be done—we shall surely be led back, by many and devious routes, primarily to that organization of settlement and agriculture which, so our place-names seem to tell us, was already old when Ine described it in his laws.

THE ORIGINS OF THE OFFICE OF CORONER

The Alexander Prize Essay

By R. F. Hunnisett, M.A., D.Phil.

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ONLY a hundred years ago the question whether or not there had been coroners in Roman Britain could still be seriously discussed,[1] for two pieces of evidence had created a widespread belief that they had existed long before the Conquest. *The Mirror of Justices*, a thirteenth-century treatise, credits king Alfred with the appointment of coroners and sheriffs in every county,[2] and a rhyming charter, purporting to have been granted by Athelstan to Beverley Minster, restricts the holding of inquests upon dead bodies within its liberty to its own bailiffs, specifically excluding any 'other coroner'.[3] Later legal writers, especially Coke, strengthened and prolonged the authority of *The Mirror of Justices*: they unquestioningly accepted the section on the coroner and embodied it in their works.[4] Maitland, however, has brilliantly exposed the wilful mendacity of its author.[5] The rhyming charter is an obvious forgery; the earliest extant version of it has been attributed on palaeographical and linguistic grounds to the reign of Edward II, when it was probably composed.[6]

The belief that coroners existed before the Conquest lingered

[1] E.g. Sir John Jervis, *On the Office and Duties of Coroners*, 2nd edn. (1854), pp. 2–3.

[2] i. 3, ed. W. J. Whittaker (Selden Soc., vii), p. 9; cf. v. 1. 108 (*ibid.*, p. 169).

[3] *Memorials of Beverley Minster: The Chapter Act Book of the Collegiate Church of S. John of Beverley, 1286–1347*, ed. A. F. Leach, ii (Surtees Soc., cviii), pp. 284–7.

[4] E.g. Sir E. Coke, *The Second Part of the Institutes of the Laws of England*, 5th edn. (1671), p. 31; Nathaniel Bacon, *An Historical and Political Discourse of the Laws and Government of England*, 4th edn. (1739), i. 41.

[5] Selden Soc., vii, Introduction.

[6] Surtees Soc., cviii. 280 note.

on into the present century,[1] but during the second half of the nineteenth most historians considered that they originated in the articles of the eyre of September 1194, chapter 20 of which ordered the election in every county of three knights and a clerk as keepers of the pleas of the crown.[2] This opinion was first attacked by Gross in 1892,[3] since which date many others have written about the origins of the office. A few, notably Maitland,[4] have upheld the old view that chapter 20 of 1194 created it, but the majority have maintained that coroners, under that name or another, were in existence earlier. It is the purpose of this paper to assemble, re-examine and supplement the evidence for and against the various theories.

Three pieces of evidence seem at first to suggest that there were coroners before September 1194. The first is the claim by the citizens of Norwich that in 1152 king Stephen granted them the right to choose their own coroners and bailiffs. But neither of the manuscripts containing this claim is earlier than the fourteenth century.[5] It can therefore be considered against the background of perpetual strife between the citizens and the monks of the cathedral priory which characterized thirteenth-century Norwich.[6] Their conflicting claims to liberties frequently led to open violence and loss of life, and this naturally raised in acute form the question of the jurisdiction of the city coroners from which the priory claimed exemption. A compromise agreement was ultimately reached in 1306,[7] but previously, in 1272 or at some similar time when exaggerated claims and counter-claims were rife, the citizens had probably invented the story of Stephen's grant. The monkish chronicler, although biased, is convincing when he adds that the citizens could produce no charter to support their claim

[1] E.g. R. Henslowe Wellington, *The King's Coroner* (1905), p. 2.

[2] *Select Charters*, ed. W. Stubbs, 9th edn. (Oxford, 1913), p. 254.

[3] C. Gross, 'The Early History and Influence of the Office of Coroner', *Political Science Quarterly*, vii (1892), 656–60.

[4] Review of Gross in *Eng. Hist. Rev.*, viii (1893), 758–60.

[5] W. Dugdale, *Monasticon Anglicanum*, ed. J. Caley, H. Ellis and B. Bandinel (1846), iv. 14; W. Hudson, 'Traces of the Early Development of Municipal Organisation in the City of Norwich', *Archaeological Journal*, xlvi (1889), 303, 305.

[6] F. Blomefield, *History of Norfolk* (1806), iii. 46–62; *Victoria County History, Norfolk*, ii. 319–20.

[7] *Ibid.*, p. 320.

and that for well over a hundred years after the Conquest they had not coroners and bailiffs but just one bailiff.[1]

Secondly, two manuscripts in the possession of the dean and chapter of Peterborough contain the citation of a writ of 1182–3 concerning a perambulation of boundaries at Fiskerton, Lincolnshire, and ordering the attendance of *custodes placitorum corone*.[2] This description was not usually applied to officials other than coroners, but it could have been used quite accurately to describe those other officials who, as will appear later, were regularly keeping crown pleas at this date. Consequently, even if the writ is genuine throughout, it does not necessarily prove the existence of coroners in Lincolnshire before 1194. But neither manuscript was written before the middle of the thirteenth century when coroners were often ordered to attend such events.[3] Moreover, both manuscripts contain long lists of those who attended the perambulation; one is described as a constable and one as the sheriff's clerk, but none as a keeper of crown pleas.

Thirdly, there is an appeal of homicide which was launched in the Lincolnshire county court not later than April 1194, was heard by the justices itinerant in that county in the autumn and removed to the *Curia Regis* in November when *milites custodientes placita corone* bore the record of the original appeal to Westminster.[4] It is unnecessary to suppose, with Gross, that these knights were coroners when the appeal was first made,[5] or even, with Maitland, that the itinerant justices found coroners in Lincolnshire in the autumn.[6] The only certain fact is that there were coroners there in November and this is perfectly compatible with the view that chapter 20 of the 1194 eyre was innovatory. These Lincolnshire coroners, and others in other counties, were

[1] *Monasticon*, iv. 14.

[2] Henry of Pytchley's Liber Cartarum et Privilegiorum, f. x; Robert of Swaffham's Register, ff. cxvi(verso)–cxvii(verso). For the dating of the writ see A. L. Poole, *From Domesday Book to Magna Carta* (Oxford, 1951), p. 390 note 2.

[3] E.g. *Close Rolls, 1254–1256*, p. 7.

[4] *Rotuli Curiae Regis*, ed. Sir F. Palgrave (Rec. Comm., 1835), i. 50–1. For details concerning the dating see I. L. Langbein, 'The Jury of Presentment and the Coroner', *Columbia Law Rev.*, xxxiii (1933), 1340–1, notes 39–40; *Select Cases from the Coroners' Rolls, 1265–1413*, ed. C. Gross (Selden Soc., ix), pp. xvii–xviii.

[5] *Ibid.*

[6] *Eng. Hist. Rev.*, viii (1893), 758.

undoubtedly elected before the justices during the autumn eyre by virtue of this chapter.[1] It is significant that the duty which these coroners performed—bearing the county court record to Westminster—was one which the thirteenth-century coroners shared with the non-official suitors of the county court.[2] Before September 1194 these Lincolnshire coroners were probably just ordinary knights of the shire; as such they would have attended the county court, and as such they might well have gone to Westminster in November even had they not been elected coroners.

There is no clear proof of the existence of coroners before September 1194. The Assizes of Clarendon and Northampton were concerned with criminal justice and the Inquest of Sheriffs dealt in detail with local officials, but none of them mentions the coroner.[3] Glanvill and the pre-1194 Pipe Rolls are equally silent. Unfortunately Glanvill deals very summarily with criminal matters and ignores the coroner's duties altogether;[4] the judicial records of Richard I's reign are very meagre and coroners are only rarely encountered on the Curia Regis Rolls of even his last years; and not until 1202 is the office of coroner mentioned in a Pipe Roll.[5]

The argument from silence therefore leaves an element of doubt. So does chapter 20 of 1194. While on the one hand it would seem to have been unnecessary if coroners were already in existence, on the other its extreme brevity suggests that the newly-elected coroners would know, without being told, exactly what their duties were to be and how they were to be performed.

There are three possible explanations of this difficulty. One is that there had been a similar article in at least one previous eyre.[6] No earlier eyre articles survive, but the theory is weakened by the absence of such an article from later eyres, including that

[1] Coroners were regularly elected before eyre justices in the thirteenth century, as the eyre rolls prove: e.g. P.R.O., Assize Roll 921, m. 35.

[2] For instances of coroners and others jointly bearing the record, see *Curia Regis Rolls*, vi. 10; x. 121.

[3] *Select Charters*, pp. 170–81.

[4] *De Legibus et Consuetudinibus Regni Angliae*, xiv, ed. G. E. Woodbine (New Haven, 1932).

[5] The entry is of a payment *ut non sit coronarius*: *Pipe Roll 4 John* (Pipe Roll Soc.), p. 157.

[6] For this suggestion I am indebted to Mr. C. A. F. Meekings.

of 1198.[1] Another explanation is that an ordinance establishing coroners and laying down the details of their duties had been issued slightly earlier than September 1194, although probably in that year.[2] But if so, chapter 20 would have been unnecessary unless the ordinance had been widely disregarded. In the difficult financial situation of 1194 the justices would certainly have amerced all those who had disregarded it, but no such amercements appear on the Pipe Rolls. If, therefore, there were ever such an ordinance, it can only have provided for the election of coroners at the following eyre. In short, the ordinance theory, which was inspired by the erroneous belief that there were coroners in Lincolnshire early in 1194, does not increase the coroner's antiquity.

The third explanation of chapter 20 is that its brevity presented no difficulty, for while coroners were new the duty of keeping crown pleas was old and well known. For the rest of the Middle Ages coroners held inquests upon the bodies of all who died unnaturally, suddenly or in prison, received abjurations of the realm, heard appeals, appeals of approvers and confessions of felony, and attended and thereby legalized exactions and outlawries in the county court.[3] According to the mediaeval law-books and statutes they had also to inquire concerning treasure trove and wreck of the sea and to attend franchisal and other local courts when the death sentence was passed and executed,[4] although they only rarely performed these three duties *ex officio* in the Middle Ages.[5] Finally, there is some evidence that they attended the ordeal until its abolition in 1215.[6] All these crown pleas the coroners kept, or were supposed to keep, in four ways—by taking the actions just mentioned, attaching or arresting witnesses, suspects and others, appraising and safeguarding any lands and chattels which might later be forfeited and by enrolling full details.[7] Throughout the twelfth century there were officials who

[1] *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs (Rolls Series, 1868–71), iv. 61–2. [2] Langbein, *loc. cit.*, pp. 1340–1.

[3] For all these duties see Selden Soc., ix, *passim.*

[4] *Ibid.*, pp. xxvi, xxix.

[5] There is no record of a coroner acting in these matters in any of the Public Record Office Coroners' Rolls. I intend to deal with this problem in detail elsewhere.

[6] E.g. H. Spelman, *Glossarium Archaiologicum* (1687), p. 251.

[7] Selden Soc., ix, *passim.*

kept such crown pleas in one or more of these four ways and who have been widely regarded as coroners in all but name.

The royal charters granted to London in *circa* 1130 and to Colchester in 1189 both authorized the inhabitants to elect a justiciar from among themselves to keep and determine crown pleas;[1] the justiciar granted to Coventry in 1181 probably had the same duties although the charter does not say so.[2] These duties were far more extensive than those of the later coroner. The coroner's presence in local courts when the liberty of *infangenetheof* was exercised was purely passive,[3] as was his attendance at outlawries in the county court. On no occasion did he determine crown pleas. The evidence adduced by Gross[4] to prove that before 1215 he did, only proves the opposite.

Thus the 1194 eyre article merely provided for 'keepers' of crown pleas, and the coroners granted to boroughs by John were only empowered to 'keep' pleas and other matters pertaining to the crown and to see that the reeves dealt justly with both rich and poor.[5] Chapter 24 of *Magna Carta*, which states that no sheriff, constable, coroner or other royal bailiff shall hold crown pleas,[6] is therefore declaratory of existing practice, like so much of *Magna Carta*, and not a reform. Long before 1215 it was irregular for sheriffs to determine crown pleas,[7] and it has never been suggested that constables and bailiffs generally could determine them. It is absurd to suppose that this chapter treated coroners differently from these other officials; it would be strange indeed if a considerable reduction in the coroner's powers were hidden away in a clause which otherwise merely recited the *status quo*. The most that can be read into it is that it was the result of a few officials having exceeded their powers, but there is no evidence to support even this mild hypothesis against the coroner. The Curia Regis and Eyre Rolls of John's reign contain innumerable instances of coroners keeping crown pleas or being

[1] *Select Charters*, pp. 129, 259. [2] *Cal. Charter Rolls*, ii. 88.
[3] Britton, i. 2. 17; i. 16. 1, ed. F. M. Nichols (Oxford, 1865), i. 17–18, 55–6.
[4] Selden Soc., ix, pp. xv–xvi.
[5] *Rotuli Chartarum*, ed. T. D. Hardy (Rec. Comm., 1837), pp. 46 (*bis*), 56, 57, 65, 142.
[6] *Select Charters*, p. 296.
[7] N. D. Hurnard, 'The Anglo-Norman Franchises', *Eng. Hist. Rev.*, lxiv (1949), 439–40.

amerced for failing to keep them, but not one case of their acting as justices; and the corresponding clause of the Articles of the Barons set out to remedy a far different abuse.[1]

It is true that in the thirteenth century the eyre justices did not query the election of coroners instead of justiciars by the burgesses of Colchester, who cited the charter of 1189 as their warrant, even after Henry III had confirmed it in its original form in 1252.[2] But this is far from proving the identity of coroner and justiciar. It was probably considered unnecessary to amend the charter in 1252 because the burgesses were only infringing it by electing lesser officials instead of those who were both keepers of pleas and justices.

Interest has centred mainly upon these few borough justiciars, although the London justiciarship was discontinued early in the reign of Henry II[3] and the others were created not long before the county coroner. County justiciars, however, began to appear in certain counties under Rufus and were universal under Henry I and Stephen, dying out rapidly around 1160.[4] Presumably, like borough justiciars, they both kept and determined crown pleas; this is suggested by Geoffrey de Mandeville's appointment as chief justiciar in Essex 'for pleas and forfeitures pertaining to the crown'.[5]

It is uncertain which crown pleas the local justiciar kept and how he kept them. Geoffrey de Mandeville seems to have been mainly concerned with the financial aspect of their custody, but the *Leges Edwardi Confessoris* states that abjurors of the realm must leave within the term assigned to them by the justice,[6] and the local justiciar would undoubtedly have had this duty. Also in 1185 an Oxfordshire man was amerced for hanging another without the justices and sheriff[7]—an unusual requirement at this

[1] *Ut nullus vicecomes intromittat se de placitis ad coronam pertinentibus sine coronatoribus:* xiv (*Select Charters*, p. 287).

[2] *Cal. Charter Rolls*, i. 410–11; Selden Soc., ix, p. xxxvii.

[3] Langbein, *loc. cit.*, p. 1346.

[4] *Select Cases in the Court of King's Bench under Edward I*, ed. G. O. Sayles, i (Selden Soc., lv), pp. xix–xx; W. A. Morris, *The Medieval English Sheriff to 1300* (Manchester, 1927), pp. 56, 102–3.

[5] J. H. Round, *Geoffrey de Mandeville* (1892), pp. 110, 373.

[6] xviii. 2, ed. F. Liebermann, *Die Gesetze Der Angelsachsen* (Halle, 1903–16), i. 644.

[7] *Pipe Roll 31 Henry II*, p. 108.

date, which may suggest an earlier time when the local justiciar had to attend the passing and execution of death sentences. Many more of the coroner's functions may earlier have been the local justiciar's concern, and the county justiciar, like the county coroner, must have acted as a considerable check upon the independence of the sheriff.

It is therefore true to say that both the borough and county justiciars occupy a very important place in the pre-history of the coroner, who, in Round's phrase, stood in their shoes;[1] but the shoes were many sizes too large for the coroners who were never, while the justiciars were essentially, justices.

Between the removal of the county justiciar and the appearance of the coroner many of the coroner's duties were performed by the serjeant of the hundred or wapentake, otherwise known as the king's or sheriff's serjeant.[2] Most of the direct evidence comes from the Pipe Rolls of the middle and end of Henry II's reign and the beginning of that of Richard I. They show that it was an offence to hold ordeals,[3] to hang felons[4] or to take possession of wreck[5] in the serjeant's absence, and that the serjeant had to arrest men suspected of treasure trove.[6] Much more important, they contain a number of amercements imposed for burying[7] or moving[8] the bodies of people who had died unnatural deaths before he had held his view.

Happily this evidence can be considerably supplemented, since serjeants did not completely renounce the custody of crown pleas

[1] *Op. cit.*, p. 110.

[2] Langbein considered the twelfth-century hundred serjeant to be a distinct official and that only the king's or sheriff's serjeant kept crown pleas: *loc. cit.*, pp. 1347–54. This is disproved by the early thirteenth-century cases cited below. During the thirteenth century the name 'serjeant' gradually gave way to 'bailiff'. For the alternate use of these names to describe the same official see *Curia Regis Rolls*, viii. 395. For convenience 'serjeant' is used throughout this paper.

[3] E.g. *Pipe Roll 12 Henry II*, p. 49; *Pipe Roll 31 Henry II*, p. 17.

[4] E.g. *ibid.*; *Pipe Roll 3 Richard I*, pp. 134–5.

[5] E.g. *Pipe Roll 27 Henry II*, p. 45.

[6] E.g. *Pipe Roll 14 Henry II*, p. 67.

[7] E.g. *Pipe Roll 30 Henry II*, p. 107; *Pipe Roll 31 Henry II*, p. 71; *Pipe Roll 34 Henry II*, p. 90; *Pipe Roll 2 Richard I*, p. 63; *Pipe Roll 3 Richard I*, pp. 12, 13; *Pipe Roll 7 Richard I*, p. 6.

[8] E.g. *Pipe Roll 1 Richard I*, ed. J. Hunter (Rec. Comm., 1844), p. 115.

in 1194. Indeed, the transference of this duty to the coroners was extremely leisurely and the eyre rolls of John's reign and later provide a picture of a not unequal, although unsystematic, division of labour. This situation is the final refutation of the theory that coroners were established by ordinance; far from knowing their exact duties at the outset, they needed a generation or more of experiment before their official title of *custodes placitorum corone* received permanent definition.

It has been argued that the twelfth-century amercements for burying bodies without a serjeant's view do not prove that serjeants were expected to hold inquests upon dead bodies.[1] It is true that the word 'inquest' is never used, but between 1194 and 1225, when there were frequent amercements for burials without a view by either a coroner or a serjeant,[2] both the coroner's and serjeant's views entailed inquests. In 1202, for example, a Lincolnshire hundred serjeant was amerced for not holding an inquest, as was a Worcestershire serjeant in 1221 for holding one inadequately;[3] and the *Consuetudines Diuersarum Curiarum*, an early thirteenth-century legal tract, gives seven examples of inquests upon dead bodies, of which four were held by hundred serjeants and three by coroners.[4] It is clearly absurd to suggest that the term *visus servientis* took on an added significance in 1194 when the coroner arrived to begin to take over the keeping of crown pleas. Before 1194 inquests were held concerning such

[1] Langbein, *loc. cit.*, pp. 1356–63.

[2] E.g. *Rolls of the Justices in Eyre for Gloucestershire, Warwickshire and Shropshire, 1221, 1222*, ed. D. M. Stenton (Selden Soc., lix), no. 762; *Somersetshire Pleas*, ed. C. E. H. Chadwyk Healey (Somerset Rec. Soc., xi), nos. 119, 149; *Pleas of the Crown for the County of Gloucester, 1221*, ed. F. W. Maitland (1884), no. 283. For amercements for burying without serjeants only see *ibid.*, nos. 381, 398. For burials with the serjeant's view see *Rolls of the Justices in Eyre for Yorkshire, 1218–19*, ed. D. M. Stenton (Selden Soc., lvi), no. 460; *The Earliest Lincolnshire Assize Rolls, 1202–1209*, ed. D. M. Stenton (Linc. Rec. Soc., xxii), no. 1451. After about 1225, however, it was an offence to bury a body without the coroner's view even if the serjeant was present: e.g. Somerset Rec. Soc., xi. 813; *Calendar of the Roll of the Justices on Eyre, 1247*, ed. G. H. Fowler (Beds. Hist. Rec. Soc., xxi), no. 633.

[3] Linc. Rec. Soc., xxii. 756; *Rolls of the Justices in Eyre for Lincolnshire, 1218–19, and Worcestershire, 1221*, ed. D. M. Stenton (Selden Soc., liii), no. 1133.

[4] *Select Cases of Procedure Without Writ under Henry III*, ed. H. G. Richardson and G. O. Sayles (Selden Soc., lx), pp. cci–cciii.

matters as treasure trove.[1] Surely, therefore, the serjeant held inquests at his views of dead bodies then as he did later. Englishry was presented to serjeants from the 1160's;[2] this was most probably done at the inquest as it was at coroners' inquests later.[3] In short, there is no reason to doubt that the serjeant's view of the late twelfth century was identical with the coroner's inquest of the remainder of the Middle Ages.[4]

An excursion into the thirteenth century is also helpful in determining which of the coroner's other duties the twelfth-century serjeant performed. The twelfth-century Pipe Rolls tell us very little about abjurations of the realm. Two entries have been cited to prove that only sheriffs could then receive them,[5] but this interpretation is far from necessary and is contradicted by a case which came up at the Wiltshire eyre of 1194.[6] A man accused of being present during a homicide had taken sanctuary in a monastery and refused to come out when ordered by the beadle of the hundred; it was later the coroner's first duty on arriving at a church in which a felon had taken sanctuary to ask him if he was willing to surrender to the law.[7] The accused in this case appeared before the justices, but the beadle, especially if he was identical with the hundred serjeant, could almost certainly have allowed him to abjure the realm. The 1221 Shropshire Eyre Roll contains accounts of two abjurations made before the coroner and the king's serjeant, and the justices in eyre in Yorkshire in 1218–19 queried the legality of an abjuration made before the bailiffs of York in the absence of the king's serjeant.[8] It is also significant that in the mid-thirteenth century, by which time the coroner alone normally received abjurations, it was most frequently the hundred serjeant who was amerced for usurping this duty,[9] and throughout the Middle Ages he attended upon the

[1] E.g. *Pipe Roll 29 Henry II*, p. 3.

[2] E.g. *Pipe Roll 14 Henry II*, p. 164. [3] E.g. Selden Soc., ix. 4.

[4] For corroborative evidence see N. D. Hurnard, 'The Jury of Presentment and the Assize of Clarendon', *Eng. Hist. Rev.*, lvi (1941), 402–3.

[5] Langbein, *loc. cit.*, pp. 1355–6.

[6] *Three Rolls of the King's Court in the Reign of Richard I*, ed. F. W. Maitland (Pipe Roll Soc., xiv), pp. 100–1.

[7] Bracton, *De Legibus et Consuetudinibus Angliae*, ed. G. E. Woodbine (New Haven, 1915–42), ii. 382.

[8] Selden Soc., lix. 1331–2; lvi. 590, 1104.

[9] E.g. Beds. Hist. Rec. Soc., xxi. 712.

coroner during abjurations.[1] All this suggests an ancient practice of abjuring from sanctuary before serjeants which was probably general before 1194. They also attended ordeals[2] and while there they undoubtedly saw to those other abjurations which the Assize of Clarendon enforced upon men of very bad reputation who came successfully through the ordeal,[3] and which the Assize of Northampton extended, as an additional punishment, to those who failed.[4]

It is uncertain who was the coroner's predecessor in hearing appeals of approvers. He must have had one, since the practice of allowing felons to turn approver was not an innovation of John's reign as stated in *The Mirror of Justices*.[5] It was probably the hundred serjeant, for confession was an essential part of turning approver and the Assize of Northampton decreed that nobody who confessed to any felony before the reeve of the hundred or borough could later deny it before the justices.[6] That 'reeve' was yet another alternative for 'serjeant' is proved by the fact that early thirteenth-century confessions made by felons who were able neither to abjure the realm nor to turn approver were equally binding whether heard by the coroner or by the serjeant of the hundred; in neither case could the confession be withdrawn or denied later. Thus in 1201 a man was sentenced to death 'by the assize' by reason of his confession of homicide made before a Dorset hundred serjeant in the hundred court, as was an Essex man in 1220 for similarly confessing before a serjeant.[7] After this date confessions were usually received by coroners.

The twelfth-century serjeant thus performed many of the duties later assumed by the coroner. He could have been accurately described in the 1180's as *custos placitorum corone*. The Pipe Roll of 26 Henry II[8] records the amercement of Herbert de Rustinton for making Ralph, a Sussex serjeant, a summoner and juror, which foreshadows the coroner's privilege of exemption

[1] E.g. Selden Soc., ix. 37.
[2] *Supra*, p. 92.
[3] xiv (*Select Charters*, p. 172).
[4] i (*ibid.*, p. 179).
[5] i. 13 (Selden Soc., vii. 35–6). Cf. F. C. Hamil, 'The King's Approvers', *Speculum*, xi (1936), 238–9.
[6] iii (*Select Charters*, p. 179).
[7] *Pleas Before the King or his Justices, 1198–1202*, ed. D. M. Stenton, ii (Selden Soc., lxviii), no. 732; *Curia Regis Rolls*, viii. 215. See *ibid.*, vi. 10, for coroners receiving confessions at this time.
[8] P. 32.

from jury service.[1] Even the duty of taking charge of wine sold contrary to the assize may have been imposed by the eyre justices upon the two newly-elected Worcester coroners in 1221 because serjeants had earlier had similar duties.[2]

With the remaining duties of the coroner the differences between the twelfth-century serjeant and thirteenth-century coroner begin to appear. Appeals of wounds, mayhem and rape were supposed always to be preceded by a view of the wounds or other signs of the offence. During the first quarter of the thirteenth century such a view was regarded as valid whether held by the hundred serjeant or by the coroner.[3] Once again the serjeant must have held these views before 1194. Both before and after 1194 serjeants are known to have heard appeals in their earliest stages, usually at their view of the wounds. Thus it was before the king's serjeant that a woman, whose case came up at the 1202 Lincolnshire eyre, first made her appeal of rape and pledged herself to prosecute, while over twenty years earlier Reingot, a Lincolnshire wapentake serjeant, had been amerced for concealing an appeal of rape.[4] The words used in these cases, however, are *querela* and *querimonia*: before the serjeant the appellor merely made an informal 'complaint'. Only in the county court later did the formal appeal have to be made. Only there was it recorded verbatim and could it result in exactions and outlawries.[5]

There is no evidence to suggest that either before or after 1194 the presence of hundred serjeants was necessary in the county court when appeals were made or that their absence would have invalidated outlawries promulgated there, as did the absence of all the county coroners.[6] A sharp distinction can thus be drawn between the duties which the coroner had inside and outside the county court. The hundred serjeant had earlier performed most if not all of the latter because it was physically impossible for the sheriff to journey up and down the county to deal personally with them all. But the serjeant was a shrieval official and, moreover, one whose activities were confined to only a small part of the

[1] *Rotuli Litterarum Clausarum*, ed. T. D. Hardy (Rec. Comm., 1833–44), ii. 191.

[2] Selden Soc., liii. 1270. Cf. Linc. Rec. Soc., xxii, p. xlvi.

[3] E.g. Selden Soc., lxviii. 395; Linc. Rec. Soc., xxii. 590.

[4] *Ibid.*, no. 916; *Pipe Roll 26 Henry II*, p. 56.

[5] E.g. Selden Soc., ix. 18–23.

[6] E.g. P.R.O., Coram Rege Roll 245, *Rex*, m. 14d.

county, and therefore he never received duties in the county court at which the sheriff regularly presided.

Another distinction between the serjeant and coroner is in the authority of their written records. It is uncertain when the enrolment of judicial matters began. Formal rolls were probably still new in the *Curia Regis* in 1194. It is most unlikely that they were kept by local officials earlier, but the evidence which has been assembled to prove that serjeants did not keep any form of written record[1] does not bear examination. Two Pipe Roll entries have been cited to show that serjeants bore oral testimony to crown pleas.[2] This interpretation is incorrect, but even if it were true it would not justify the conclusion that they therefore kept no written records. Coroners certainly kept rolls, but in the early thirteenth century it was normal for them to bear oral testimony to their cases before the eyre justices as well as to present their rolls.[3] Two other twelfth-century entries have been brought to bear on this question—the amercement of one man for not having a writing (*scriptum*) of a plea (or pleas) of the crown and of three others for causing someone to be unjustly recorded (*imbreviari*) as guilty of homicide.[4] There is no valid reason for the contention that the first is a reference to the written presentments of hundred jurors rather than to a serjeant's roll or file. But if those whose main duty was to make oral presentments kept a written record at this time, the serjeants are even more likely to have kept one. Finally, the argument that the sheriff's subordinates could not have kept rolls in the twelfth century because there is no evidence that the sheriff himself did, is equally unconvincing. The sheriff dealt with many writs and must have had files if not

[1] Langbein, *loc. cit.*, pp. 1361–2.

[2] The first was the amercement of a Lincolnshire serjeant *quia non calumpniatus est plac' de Corona Regis in Curia fratrum de Templo*: *Pipe Roll 16 Henry II*, pp. 149–50. Langbein rendered *non calumpniatus est* as 'did not make complaint', but it more probably means 'did not claim'. Secondly, he maintained that the Yorkshire wapentake serjeant who was amerced *quia non denuntiavit mortem ejusdem hominis* (*Pipe Roll 14 Henry II*, p. 87) had failed 'to make complaint of a death'. The entry more probably means either that he had failed to make the death generally known and to summon a jury to hold inquest on the body or that he had omitted to report it to the sheriff or justices.

[3] They were often amerced for contradicting their rolls: e.g. Selden Soc., lix. 783.

[4] *Pipe Roll 15 Henry II*, p. 148; *Pipe Roll 25 Henry II*, p. 77.

rolls; but if he personally kept no written record of those crown pleas with which the serjeant dealt, there is all the more reason for the serjeant to have kept one, if only in scrappy files, especially as royal revenue was concerned. There is evidence, however, that the serjeant was expected to report on his keeping of crown pleas to the sheriff,[1] in which case the sheriff presumably kept a written record superior to that of the serjeant, who merely kept rough notes to aid his memory when he made his report. However that may be, the coroners' rolls were 'of record' from their earliest days and were almost invariably preferred to both the sheriffs' rolls and the hundred jurors' presentments;[2] and it was an offence to omit any detail from them.[3] The serjeants' files, which are nowhere specifically mentioned, can claim no such importance.

Some duties which the twelfth-century serjeant performed in connection with the keeping of crown pleas were either never or not permanently taken over by the coroner in the Middle Ages. The difficult questions of treasure trove, wreck and judgments of death apart, there is no evidence, for example, that coroners, unlike serjeants, ever claimed crown pleas in franchisal courts.[4] Nevertheless, in contrast with the local justiciar the hundred serjeant was a lesser official than the coroner. As a keeper of crown pleas he lacked the coroner's position and duties in the county court and his written records cannot compare in authority with the coroner's rolls. Where their duties coincided the serjeant could only act within his hundred whereas the county coroner was elected for the whole county.[5] All coroners were supposed to be knights or considerable landowners,[6] while most

[1] Ailward, a Wiltshire serjeant, was amerced *pro probatione Anglici sibi oblata non ostensa vicecomiti* (*Pipe Roll 14 Henry II*, p. 164); so was William de Stanford *quia cum esset serviens hundredi, non presentavit placitum corone vicecomiti sibi prius presentatum* (*Pipe Roll 32 Henry II*, p. 8). The use of the word *sibi* in both cases suggests that they were originally presented to the serjeants personally rather than in the hundred court.

[2] Bracton ii. 396; *The Eyre of Kent 6 and 7 Edward II*, i, ed. F. W. Maitland, L. W. V. Harcourt and W. C. Bolland (Selden Soc., xxiv), pp. 129–30.

[3] Coroners were amerced for not enrolling as early as 1201: Selden Soc., lxviii. 244.

[4] *Supra*, p. 97 note 2.

[5] Serjeants were unable to attach the 'first finders' of bodies, for example, when they lived outside their hundreds; they had to inform the sheriff or coroners: e.g. Linc. Rec. Soc., xxii. 701.

[6] Selden Soc., ix, p. xx.

serjeants were of a lower social stratum.[1] Most serjeants were appointed by and responsible to the sheriff,[2] of whom the coroners, as elected officials, were largely independent. Finally, both before and after 1194 the serjeant had many duties which the coroner never had—holding the hundred court, delivering and executing writs, making arrests and attachments, summoning jurors, and many others;[3] and throughout the Middle Ages he retained minor duties in connection with crown pleas under the coroner, summoning him to dead bodies,[4] assembling the inquest jurors,[5] making any necessary arrests,[6] assembling representatives of the neighbourhood at churches in which felons had taken sanctuary[7] and attending upon the coroner during abjurations.[8] It is no more possible to equate the coroner with the twelfth-century hundred serjeant than with the local justiciar.

Two special types of serjeant have been called upon to prove the essential identity of serjeants and coroners. During the first half of the thirteenth century the two Northumberland coronerships were hereditary, being attached to two serjeanty tenures. The Nafferton serjeanty had the duty of keeping crown pleas between the Coquet and the Tyne, the Bamburgh serjeanty entailing the same duty beyond the Coquet. There is evidence that the Nafferton serjeanty had not changed in essence since the 1160's at least, although the term 'coroner' was not used in connection with it before the thirteenth century; previously the tenants had acted under the sheriff. In 1246 these serjeanties were taken into the king's hand and thereafter the Northumberland coroners were elected, although the Bamburgh serjeanty seems to have been held by services performed under the county coroners in the time of Edward I.[9] The practice of using these hereditary coronerships to help prove the development of serjeants into coroners in England as a whole[10] cannot be justified.

[1] E.g. Linc. Rec. Soc., xxii, p. xlvi.

[2] H. M. Cam, *The Hundred and the Hundred Rolls* (1930), pp. 148–9.

[3] Linc. Rec. Soc., xxii, pp. xlv–xlvi; C. T. Flower, *Introduction to the Curia Regis Rolls, 1199–1230* (Selden Soc., lxii), pp. 87–8, 422–3.

[4] Bracton, ii. 342; Selden Soc., ix. 45–7.

[5] Britton, i. 2. 2 (ed. Nichols, i. 8–9); Selden Soc., ix. 42–5.

[6] *Ibid.*, p. 38. [7] Britton, i. 2. 16 (ed. Nichols, i. 17). [8] *Supra*, pp. 94–5.

[9] E. G. Kimball, *Serjeanty Tenure in Medieval England* (New Haven, 1936), pp. 84–6; R. Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales* (Manchester, 1936), p. 64. [10] *Ibid.*, pp. 64–5.

Northumberland was unique. Although some hundred and wapentake serjeanties were attached to serjeanty tenures elsewhere,[1] very few other coronerships were so held.[2]

Evidence derived from twelfth-century Normandy is naturally even less relevant and there is only one small piece. In 1171 Geoffrey Peile vilain held a fee in the Avranchin of the king in chief by service of being *dominicus serviens regis ad custodienda placita regis*.[3] The most that this proves is that at this time the Avranchin had an official somewhat resembling the English hundred serjeant. Yet not only has Geoffrey been called a coroner[4] but he has also been quoted to strengthen the theory that there were coroners in England before 1194.[5] In fact, even the thirteenth-century serjeant in Normandy was the same type of official as the English hundred serjeant of the century before.[6]

It only remains to discover when serjeants began to keep crown pleas. Bolland, who was the first to realize that they did so, thought that it was about 1180,[7] but they are known to have been keeping them as early as 1166.[8] The absence of similar entries in the earlier Pipe Rolls of Henry II's reign suggests that serjeants took over these duties in the 1160's, shortly after the removal of the county justiciars.

[1] Kimball, *op. cit.*, pp. 87–9.

[2] E.g. some of those of the bishop of Ely's liberty: E. Miller, *The Abbey and Bishopric of Ely* (Cambridge, 1951), pp. 124–5, 238, 250.

[3] L. Delisle, *Recueil des Actes de Henri II* (Paris, 1909–27), introduction, p. 346; F. M. Powicke, 'The Pleas of the Crown in the Avranchin', *Eng. Hist. Rev.*, xxv (1910), 710–11; C. H. Haskins, 'The Inquest of 1171 in the Avranchin', *ibid.*, xxvi (1911), 326–7.

[4] *Ibid.*, p. 327; C. H. Haskins, *Norman Institutions* (Cambridge, Mass., 1918), pp. 188, 338.

[5] Poole, *op. cit.*, p. 390 note 2.

[6] J. R. Strayer, *The Administration of Normandy under Saint Louis* (Cambridge, Mass., 1932), p. 25.

[7] Selden Soc., xxiv, p. lv. He was misled by assuming that amercements for concealing crown pleas always indicated that the concealer had the duty of keeping them. Hence his theory that at first hundreds, wapentakes and towns kept them, being succeeded about 1180 by serjeants and they in turn in 1194 by coroners. But in many cases *concelamentum* meant 'failure to present', not 'failure to preserve'; hundreds, wapentakes and towns had the duty of presenting but not that of preserving crown pleas; and they were as often found guilty of failing to present them after 1180 (e.g. *Pipe Roll 33 Henry II*, p. 65) and, despite Pipe Roll taciturnity, after 1194 (e.g. Assize Roll 369, m. 36) as before.

[8] *Pipe Roll 12 Henry II*, p. 49.

Here, however, some difficulty is presented by Benjamin, a Norfolk man, who in 1130 paid part of £4 5*s.* *ut custodiat placita que Corone Regis pertinent.*[1] He must surely be the man who appears among the witnesses to a Norfolk charter of similar date as Benjamin the king's serjeant.[2] He is an enigmatical figure, standing as he does, the sole representative of his kind, in the only extant Pipe Roll earlier than Henry II's reign. In view of the later evidence he should undoubtedly be placed in the pre-history of the office of coroner rather than in that of the Jewish Exchequer, as Maitland thought,[3] but it is impossible to say definitely whether or not his position was exceptional in his day. Just as it would never have been known that serjeants had kept crown pleas before 1194 without the Pipe Rolls of Henry II's reign, so a full complement of earlier rolls might have proved that they had kept them from the early twelfth century. It is true that none of Henry II's Pipe Rolls earlier than 1166 mentions serjeants in connection with crown pleas; that county justiciars were keeping them earlier; and that Benjamin was exceptional in that he paid a substantial sum for his office, whereas under Henry II serjeants are never known to have done this and in the thirteenth century men more often paid for exemption from the office of coroner.[4] But the duties of the county justiciar were numerous and his jurisdiction extended over at least one whole county. It was therefore inevitable that he should have had subordinate officials to hold preliminary investigations. Under Stephen the county justiciar would probably have appointed to or sold such posts. Henry I was much more powerful and may often, as to Benjamin, have sold them himself. If he normally sold them to hundred serjeants it was possibly because they, under the title of reeves, had even earlier helped the sheriffs of the first two Norman kings to deal with crown pleas.[5]

The story of the origins of the office of coroner must begin in Norman times; it would be very difficult to attempt to trace the functions back before the Conquest. Under William I and Rufus

[1] *Pipe Roll 31 Henry I*, p. 91.

[2] *Sir Christopher Hatton's Book of Seals*, ed. L. C. Loyd and D. M. Stenton (Northants. Rec. Soc., xv), p. 276.

[3] *Eng. Hist. Rev.*, viii (1893), 759.

[4] E.g. *supra*, p. 88 note 5.

[5] Morris, *op. cit.*, pp. 53–6.

the powerful baronial sheriffs determined most crown pleas themselves, their reeves probably doing the preliminary work. Only a few had to be kept for any length of time while awaiting the *ad hoc* judicial commissions, off-shoots of the *Curia Regis*, which were a feature of the period. The sheriffs kept all crown pleas in their financial aspect.[1]

Henry I's reign saw a systematic attempt to reduce the independence and power of the sheriffs. Both methods adopted had been foreshadowed in the previous reign. Local justiciars for crown pleas were established in every county and regular judicial circuits were begun.[2] The local justiciar possibly kept any particularly difficult cases for the itinerant justices, determining the rest himself and safeguarding the financial profits of them all. It would, however, have been physically impossible, as well as beneath his dignity, for him to have held all the preliminary investigations in person. He would therefore have delegated these duties to subordinates, often to those who had previously performed them. Under Henry I all hundred serjeants cannot have kept crown pleas by virtue of their office, as Benjamin's payment proves. The duty, which was clearly regarded as lucrative, may have been in effect auctioned among the subordinate officials of the county and sold to the highest bidders. However that may be, Benjamin doubtless anticipated a rapid recovery of his initial outlay with interest.

Another development was equally inevitable—the use of the office of justiciar purely as a means of financial gain and power by the holder and as a bargaining counter by both king and empress during Stephen's reign. Hence its grant to such as Geoffrey de Mandeville. It was therefore inevitable that Henry II should abolish the office at the first opportunity. The duty of keeping crown pleas reverted to the sheriffs, who naturally used their hundred serjeants to hold preliminary investigations into unnatural deaths and to perform other necessary duties in their hundreds. They probably delegated these duties on their own authority, but the usual amercements for hanging or burying without a serjeant show that the system was rapidly and universally adopted, and recognized by the royal justices. But that the serjeant only acted as the sheriff's deputy is proved by the few cases in which the sheriff's absence from executions is mentioned

[1] Morris, *op. cit.*, pp. 54–8. [2] *Ibid.*, pp. 100–3.

and in which he received abjurations,[1] and by the fact that the serjeant seems to have reported his activities to him.[2]

The twelfth century was an age of administrative and judicial experiment. In the keeping of crown pleas the final change began in the year 1194 with the establishment of coroners, who gradually took over their duties from the serjeants in the following decades. The fact that the change-over was so prolonged means that the performance of coroners' duties by serjeants before 1194 is not proof that coroners did not also exist then. Yet when it is considered that as against the ample proof of serjeants keeping crown pleas there is not one mention of the coroner, it is impossible to doubt that chapter 20 of the 1194 eyre articles created coroners for the first time.

1194 is an inherently probable year for the introduction of this considerable change. The financial situation was desperate; vast sums of money were needed for Richard I's ransoms and wars.[3] Never before can it have been so imperative for the profits of crown pleas to be safeguarded and consequently for the sheriffs to be strictly supervised. Experience of the regular general eyre had been sufficient to prove the necessity for a permanent official to minister to it. Since crown pleas, in both their judicial and financial aspects, had often to be kept for several years, a really effective check upon the hundred jurors' presentments was needed.[4] For this the sheriff and his subordinate officials were far from ideal. With the rapid development of the writ system under Henry II[5] they were becoming overworked. Administrative efficiency demanded that they should be freed from some of their duties; judicial efficiency demanded that a full-time official should be solely concerned with the keeping of crown pleas; and such an official was needed to do what nobody had done since the days of the county justiciar—to act as a permanent check upon the sheriff and to prevent financial corruption.

The last was one of the great problems of the twelfth century.

[1] *Supra*, pp. 91, 94. [2] *Ibid.*, p. 98.

[3] Poole, *op. cit.*, pp. 365–6, 373.

[4] At this time most crown pleas presented were felonies which had resulted in appeals: Langbein, *loc. cit.*, p. 1337 note 24. The coroners could therefore see that the jurors presented most cases, including those which might result in amercement of the jurors' hundred or township.

[5] F. W. Maitland, *The Forms of Action at Common Law* (Cambridge, 1936), ch. iii.

The baronial sheriffs of the first two Norman reigns grew too powerful and independent and Henry I therefore replaced them by *ministeriales*. They in their turn were counter-balanced by the county justiciars, who themselves became corrupt and over-powerful under Stephen and were therefore removed by Henry II. Again the sheriff got out of control, as is proved by the necessity for the Inquest of Sheriffs, which was not permanently effective. The position of 1194 was particularly difficult. The disorganization caused by John's recent rising had undoubtedly increased shrieval independence and financial corruption just when they could least be afforded.[1] This was the situation which led to chapter 21 of the 1194 eyre articles, which ordered that no sheriff should be a justice in his own county.[2] It cannot be doubted that it also justified the creation of a new local official, whom the significantly adjacent chapter 20 called into being in the closely integrated interests of good order, justice and, especially, royal revenue. In the twelfth century, as throughout the Middle Ages, *justitia est magnum emolumentum.*

[1] Poole, *op. cit.*, pp. 387–90. [2] *Select Charters*, p. 254.

THE PROTESTANT CONSTITUTION AND ITS SUPPORTERS, 1800–1829

By G. F. A. Best, Ph.D.

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THE many non-theological controversies which ranged about the Church of England in the first three decades of the nineteenth century fell into two classes, the one inspired by the deficiencies in the church's physical equipment for performing its allotted functions as the state's religious establishment, the other by the superiorities and advantages enjoyed only by its members. The controversies in the latter class went the deeper. In discussing 'church reform', the fact of establishment could be taken for granted: but in discussing the legal disabilities and social inferiorities under which both Protestant and Roman Catholic nonconformists suffered, the establishment's superiorities had to be defended against liberals who maintained that an established church could do without them, and its very existence as an establishment had to be justified against the charges of those Protestant dissenters and secularists who maintained that established churches were iniquitous, oppressive, and absurd. The discussion thus ranged freely between the poles of political practice and political philosophy, and joined the immediate problems of the hour to the most serious philosophical and theological problems with which thoughtful statesmen could be concerned.

The real defence of the established church rested only lightly on the grounds of ancient title and existing rights which it shared with other historic institutions, and on the 'utilitarian' arguments in its favour drawn empirically by pious conservatives from its actual operation. Established churches were held to be justified both by the lessons of history and by the word of God. God's direct sanction was writ large in the pages of the Old Testament, and history afforded no examples of states unconnected with religion except a few small rootless states in America, whose wisdom was not yet proven, and revolutionary France, whose sin and folly were self-evident.

Support for established churches came also from a nearer and not less impressive quarter. The four great authorities of the preceding century to whom reference was made and deference paid in church-and-state debates right up to the 'thirties were at one in their justifications of religious establishments. Warburton, Blackstone, Paley and Burke agreed that they were necessary to satisfy the religious, and to check the sinful, natures of man, to acknowledge the truth that the state had a religious as well as a secular dimension, and to control the elements in it which tended towards its destruction, by confronting the consciences and calculations of men with the awful and inevitable divine rewards and penalties.[1]

Above this common ground there was of course room for disagreements both as to the terms upon which church and state should be connected, and as to the degree of toleration which could safely be permitted. The occasions provoking such disagreements were many. The endless bickering between evangelicals and high churchmen invited them, so did the running fight between Anglican and Roman Catholic gladiators; but the principal occasions for the airing of distinctive views of church and state were afforded by, first, the movement for the repeal of the Clarendon code and the Test Acts, and second, the more spectacular movement for 'Catholic emancipation'. In making up their minds about these movements men found themselves faced with the necessity of defending or surrendering two theories of the constitution in church and state—what may be called the Anglican theory, abandoned in 1828, and the Protestant theory, abandoned, according to its supporters, the year following. It is with this idea of the Protestant constitution, upheld to the last ditch by about 170 members of the Commons and about 110 peers,[2] and alleged

[1] See especially Warburton's *Alliance between Church and State*, book i, ch. 3: Blackstone's *Commentaries on the Laws of England*, book 4, ch. 4: and Paley's *Moral and Political Philosophy*, book 1, ch. 3, where the divine rewards and penalties were only not fully dealt with because they were 'the foundation upon which the whole fabric rests', and had to be taken for granted. Burke's insistence on these truths is too well known to need comment.

[2] The important divisions in the Commons showed minorities 160, 173, and 142 strong—the last being in a thinner house (*Hansard*, new series, xx. 892, 1290, and 1633). The minorities on the 2nd and 3rd readings in the Lords numbered 112 and 109 respectively (*ibid.*, xxi. 394 and 694).

by them, with every appearance of truthfulness, to be supported also by the majority of the people of Great Britain, that this paper is concerned.

* * *

The Protestant constitutionists have probably received a worse press than any other party in the history of the English church and state. Ridicule and contumely were their lot even while their great principle was still intact. It was fashionable to laugh at them for being behind the times. It was easy to be bored with their repetition of the same arguments year after year. It was not difficult to arraign them of that unpopular quality, intolerance, with all its implications of moral arrogance, and overtones, in those days, of *ancien régime* cruelty. Peel, their leader in the lower house, lost patience with them and told his old tutor that they were blockheads.[1] Greville spurned them as 'that old worn-out set',[2] and historians have generally followed Greville's lead. The Protestant Tories have been variously presented as wicked, bigoted, foolish, and stupid. Bagehot, thirty years later, marvelled that anyone could ever have been so absurd.[3] Harriet Martineau thought their position was meaningless; she said that by the mid-'twenties 'The reality was all gone out of the question on [their] side, and had left merely a residuum of words . . .'[4] This judgment is echoed, in one form or another, by Leslie Stephen, H. W. C. Davis, Harold Laski, Crane Brinton, and by Halévy himself, who thought the 'theological' elements of their position insignificant, and found it hardly worth while 'even to summarize . . . the old stock arguments worn threadbare by constant repetition, and merely adapted to the circumstances of the moment'.[5]

[1] Letter of 15 January 1828 in the British Museum Additional Manuscripts [henceforth referred to as Add. MSS.] 40343, fos. 104–5. To do the Protestant Tories justice it should be added that Peel did not say they were the *only* blockheads in politics.

[2] Charles Greville's *Memoirs*, 1814–1860, ed. Strachey and Fulford (London, 1938), i. 254.

[3] 'The Character of Sir Robert Peel' (written in 1856) in *Biographical Studies* (London 1881), p. 1.

[4] *The History of England during the Thirty Years Peace* (London, 1849), i. 383.

[5] Leslie Stephen, *The English Utilitarians* (London, 1900), ii. 58; H. W. C. Davis's chapter in the original *Cambridge Modern History*, vol. x; Harold

Men of one idea are apt to be bores, and will surely be suspected of an incapacity to carry a heavier mental cargo. The injustice of this suspicion with regard to the Protestant Tories will at once be obvious when it is considered that among those who did not follow Peel and the duke to a different view of the question in 1829 were Robert Southey and S. T. Coleridge, William Wordsworth and Michael Sadler, Sir Robert Inglis,[1] J. H. Newman, John Keble, and Charles James Blomfield;[2] and when it is remembered also that some of those who did follow their leaders, maintaining that they were not changing their principles but merely embracing one evil to avoid another, regretted their choice later in life.[3] But it is perfectly true that in the liberal springtime of the 'twenties the Protestant Tories were made to appear men of a single idea, so far as the constitution was concerned, and that they

Laski, *Studies in the Problem of Sovereignty* (New Haven, 1917), pp. 121–37; Crane Brinton, *English Political Thinkers in the 19th Century* (London, 1949), p. 74; Elie Halévy, *History of the English People in the 19th Century* (London, 1949), ii. 219, 274.

[1] Inglis attracted peculiarly to himself the odium and contempt in which his party generally was held. It began with the Oxford University election. After he had defeated Peel (who was not quite yet a baronet) this couplet came into circulation among the whigs:

> Then up spoke all the doctors, in the divinity school,
> 'Not this man, but Sir Robert!'—Now, Sir Robert was a fool.

Evidence is abundant to show that Sir Robert was an able, intelligent, civilized and humane man of strict principles, who began public life as a moderate evangelical and gravitated into high churchmanship during the years 1828–33: yet the old story has retained its vigour, and in the definitive edition of his friend Wordsworth's letters he appears as 'an old-fashioned Tory of rather limited intelligence'. *Letters of William and Dorothy Wordsworth . . . 1821–1850*, ed. E. de Selincourt (Oxford, 1939), i. 208. E. M. Forster has done much to restore Inglis's good name in *Marianne Thornton, 1797–1887* (London, 1956).

[2] Several of these responsible individuals were just as prepared as their more headstrong colleagues to risk civil war rather than forsake their principles: e.g. Wordsworth, *op. cit.*, i. 356; Southey, in his son C. C. Southey's edition of his *Life and Correspondence* (London, 1849–1850), vi. 26 f.; and Inglis himself, whose sentiments, when Gladstone recalled them, made his blood run cold, in Morley's *Life of Gladstone*, book 2, ch. 9.

[3] E.g. Bishop C. R. Sumner's *Charge to the Clergy of the Diocese of Winchester*, 1845; R. Whately's *Remains of Edward Copleston* (London, 1854), 33; and W. Hanna, *Memoirs of the Life and Writings of Thomas Chalmers* (Edinburgh, 1851), iii. 259n.

found it difficult to keep that idea fresh and attractive. Some of them found this difficulty embarrassing,[1] but to none who took the principle seriously did their lack of originality matter.[2] They stuck to their principle without budging. Arguments of social or commercial advantage deriving from concession shook them not. Even the prospect of civil war was powerless to induce them to abandon what they regarded as a fundamental law of the constitution.

The core of the Protestant Tory idea of the constitution was that it had attained its peculiar excellence only after a long, painful struggle with Popery, not concluded until 1689; that both religious and secular advantages (so far as they could be distinguished, which ideally they could not) were secured to Britons by this constitution, and in particular by its religious establishment; and that while the established church remained materially subject to Parliament, it was a self-evident absurdity to allow Roman Catholics any share in legislating for it.[3]

This constitutional theory was in practice supported by, although it was not dependent on, that hearty 'No Popery' sentiment which seems to be a fundamental characteristic of the British Protestant. Much of it was irrational, pruriency of imagination accounts for a good deal of it, and its roots were

[1] Henry Goulburn, for example. On 5 March 1826 he wrote to his wife, 'This morning I am looking over Catholic proceedings in the hope of devising something to say on the Catholic Question this evening. When one has spoken several times on a subject it is no easy matter to find anything new to say especially when the subject has been matter for debate for above 25 years': the Goulburn Papers, box III/8, in the Surrey County Record Office. (I am much indebted to the courtesy of the County Archivist and her department.)

[2] In fact they rather prided themselves on it, because it enabled them to stand in sharp contrast to their enemies of the Brougham-Birkbeck school, and to signify their disbelief in the 'outstanding progress of intelligence'.

[3] These constitutional arguments were of course in practice complicated by the facts that the Roman Catholic question was so largely an Irish question, and that the established church was the United Church of England and Ireland. The paternal imperialism with which the sensible Protestant Tories viewed Ireland led them to connect the movement for 'emancipation' with Irish nationalism, Irish national characteristics, and a dangerous social movement threatening the landed gentry and their just influence. The Irish movement has recently been studied by James A. Reynolds, *The Catholic Emancipation Crisis in Ireland, 1823–1829* (New Haven, 1954).

fertilized by great national arrogance and amazing ignorance of the Continent. From the coarsest and most slanderous fabrications of popular Protestant propaganda to the comparatively temperate theological and historical criticisms of Anglican scholars, there was a deep-seated conviction that the Roman Catholic religion was antagonistic to every English virtue. All sorts and conditions of people enjoyed discussing and denouncing Popery. Gladstone, returning to Christ Church in the spring of 1829, reported that a farmer's wife, a college scout, the bedmakers and the egg-woman were all strong against it.[1] Protestantism and Popery were contrasted at every point. Evangelicals, liberal Anglicans and High Churchmen would weight their indictments of Popery differently, but what gave them common cause with each other and with those who did not state the issues in theological terms was the belief that Protestantism had originated in a revolt against Popery and was in consequence as good as Popery was bad. The Protestantism of the constitution was finally sealed at the Glorious Revolution, when 'a solemn compact was made between the king and people to support the Protestant ascendancy'.[2] Eldon's constitutional thought hardly extended beyond 1688. He relished the thought that it was he, not Grey or Holland, who was truly consistent to the principles of Somers, Halifax and Godolphin.[3] The Protestantism established by them and the William of glorious and immortal memory conditioned not only the constitution but also, said Eldon at various times, the religion, the state, the throne, the parliament, and the government.[4] To critics who pointed out that the constitution had existed before William's arrival, Eldon's admirers might reply, with Bishop Tomline, that

[1] John Morley, *Life of Gladstone*, book 1, ch. 3. 'No Popery' found its way into the home also through the medium of cheap popular Staffordshire pottery. The Willett collection at Brighton contains a group showing the burning of Latimer and Ridley, and a pair of figures of 'Protestantism' and 'Popery', all attributed to 1829. I may add that I have seen in an antique shop a large sampler, well over two feet square, worked with the Duke of York's famous speech against concession, and dated 1826, which must have taken months to complete.

[2] Eldon in the Lords, 17 May 1819, *Hansard*, xl. 407.

[3] Letters of 1825 in H. Twiss, *Life of Eldon* (London, 1844), ii. 537 f., 554.

[4] Speech of 23 February 1829 (*Hansard*, new series, xx. 478 f.) and in the speech referred to in note 2 above.

until after 1660 opportunity was lacking to see how Roman Catholics would behave under a formally Protestant constitution, and so it was not surprising that the constitution was not finally settled until later.[1] The whole body politic was hallowed by its Protestantization. A leading Irish Evangelical and Protestant Coryphaeus described the Test Act's declaration against transubstantiation as 'a public gage of fidelity to the truth'.[2] No bounds were set to the blessings of Protestantism. Often and again was it proudly proclaimed that England's rise to European supremacy in the last century or so had been due to Providence and 'the auspicious and purely Protestant sway of the illustrious House of Brunswick'.[3] 'England was now Protestant,' wrote a reviewer in the first number of H. J. Rose's *British Magazine*, 'and with that Protestantism began her prosperity. And what a prosperity! Where has the world anything to show to it?' [4]

One of the leading virtues of the Protestant constitution in church and state was its tolerance. The political theory accepted by all parties at this period included an abhorrence of the idea that citizens could be excluded from full civil rights for religious reasons or, indeed, for any but overriding reasons of state. The Protestant Tories were satisfied that Roman Catholics had been given as much toleration as was possible, desirable, and just. 'For the last 130 years, the country had enjoyed a state of religious peace, a blessing that had arisen out of the wisdom of our laws . . . which granted toleration to all religious creeds, at the same time that they maintained a just, reasonable, and moderate superiority in favour of the established church.' [5] The constitution was heavily biased towards liberty, and in fact religious liberty was now perfect. Freedom of worship, however, was a different thing from civil equality, and a nonconformist had no grounds for complaint against the ascendancy, measured by constitutional privileges for itself and its members, of the established church. In

[1] *Charge to the clergy of the diocese of Lincoln*, 1812.

[2] D. M. Perceval to Peel, 16 March 1829, Add. MS. 40399, fo. 56.

[3] This example is taken from an Address to the Duke of York from the Protestant Union, 1826, in J. Watkins, *Biographical Memoir of the Duke of York* (London, 1827), pp. 524 f.

[4] *British Magazine*, March 1832, pp. 40 f.

[5] I am sorry to say that I have lost track of the source of this remark. I think it was Van Mildert's.

England this ascendancy was kept down to the barest practicable minimum. It included 'no power of interfering to disturb the toleration allowed by the State to those who are most diametrically opposed to her in doctrine and discipline . . .'[1] Of the charge of intolerance the Protestant Tories believed themselves innocent, and they were not hypocrites in advocating a policy towards the Roman Catholics of political exclusion and practical kindness, to put down party spirit on *both* sides, and still 'preserve the *substance* of a Protestant ascendancy in Church and State'.[2]

The Church of England, then, was tolerant both from constitutional necessity and by religious principle. Popery, by way of contrast, was intolerant. A correspondent of Sidmouth's identified the Protestant interest with the cause of civil liberty, and went on, 'I wish the Catholics all the civil and religious liberty they can enjoy; but I should justly render suspect my pretension to the character of a Briton and a Protestant, if I wished to have confided to them a *legislative authority* which their principles would oblige them to use for the suppression of *heresy*, that is in their language *protestantism*.'[3] Southey was for 'abolishing the test with regard to every other sect—Jews and all—but not to Catholics. They *will not tolerate* . . .'[4] There was no alternative but this; Popery was to be either a tolerated or a triumphant religion. It would seek ascendancy by any means within its power, no matter how unscrupulous, and the better the Roman Catholic, and the more sincere his piety, the less could he be constitutionally trusted.[5]

A further and more specific objection was made to Roman Catholicism by the Protestant constitutionist. If he was of the

[1] Van Mildert, *Charge to the clergy of the diocese of Durham*, 1827.

[2] Bishop Jebb to Sir Robert Inglis (for transmission to Peel), 16 July 1828, Add. MS. 40397, fo. 166. His letter began: 'My dear Friend, You mention Mr. Peel's wish to know my Opinion of the State of Ireland at present . . .'

[3] Dr. Adam Clarke to Sidmouth, *circa* April 1821, G. Pellew, *Life and Correspondence of Sidmouth* (London, 1847), iii. 348 f.

[4] Letter to Wynn, April 1807, *Life and Correspondence of Southey*, ed. C. C. Southey, iii. 76.

[5] Particularly prominent in this connexion was the belief that papists in general and Jesuits in particular held that the end justifies the means. See, for instance, *The Quarterly Review* (1822), xxviii. 147; W. R. W. Stephens, *Life and Letters of W. F. Hook* (London, 1878), i. 112; and, perhaps most significant of all, the popular novelist G. P. R. James, *Castle of Ehrenstein*, book 2, ch. 12, where he censures the mild and virtuous priest Fr. George.

kind (still rare in this early part of the century) who thought religion and politics ought to be kept separate, he would notice that Rome notably failed to keep them so; if on the other hand he affirmed the ideal of combining them in a tolerant Protestant church establishment, he would object to Rome's constant purpose of subordinating the state to the church. 'The policy of the Church of Rome . . . has always been to separate ecclesiastical from civil authority', wrote Bishop Burgess, thankful that the Reformation had stopped Rome's game by reuniting them under their one natural head, the King.[1] Separation was the preliminary to subordination. Lord Redesdale considered 'this subordination of civil to spiritual power . . . the great and fundamental objection . . . with relation to this question'.[2] This objection to the Roman Catholic's divided allegiance was fundamental to the Protestant idea of the constitution. It involved the incautious Anglican in an exaltation of the royal supremacy which was to become embarrassing as soon as he anticipated less danger to his church from Papists abroad than from Erastians at home. There was no length to which Burgess would not go in order to keep the Pope at bay. 'The admission of Papists into Parliament is contrary to the fundamental laws of our Protestant constitution . . . The admission of persons into Parliament who are subjects of the Pope, and refuse to acknowledge the King's ecclesiastical supremacy, is to recognize in these realms that foreign jurisdiction which by the laws of Church and State we deny to exist.'[3] In 1829, when the deed of darkness was done, he ordered his clergy to take particular note of the passages in the Prayer Book affirming the royal supremacy.[4]

Bishop Van Mildert, as befitted the leading high churchman in Parliament, was more circumspect in his utterances, and less careless of the church's rightful independence; and yet he stigmatized the divided allegiance no less severely. In his great speech in the debate of 1825, among the best expositions of the constitutional doctrine under discussion, he said that the Reformation had been necessary because of the Pope's intolerable

[1] Letter to Wellington, 26 February 1829, in Wellington's *Despatches*, new series (London, 1867–80), v. 509 f.

[2] Speech of 21 April 1812, *Hansard*, xxii. 599 f.

[3] Letter mentioned in note 1 above.

[4] *Charge to the clergy of the diocese of Salisbury*, 1829.

interferences in what were properly national affairs. The distinguishing mark of the Papist was his acknowledgment 'that, in certain respects, the pope has an authority over the whole Christian world; and consequently, that in whatever country . . . the members of the church are placed, they owe to him, as their supreme head, a special allegiance, and are bound by an obligation paramount to all others, to render him homage and obedience'. He admitted that in practice this might not mean much so far as temporal affairs were concerned, but had no doubt that, so long as it remained implicit in the theory of the Roman Church that its powers could extend to temporal as well as spiritual affairs, such powers might once again become effective if ever times and circumstances permitted.[1]

From the Protestant constitutionists point of view, the Roman Catholic was thus politically suspect. Other groups in church and state did not view them thus. Whigs and liberal Anglicans refused to press the divided allegiance to the same logical extremity, and took Rome's admitted tendency towards intolerance less seriously. Many of them also shared with an influential body of Evangelicals the belief that old Rome's days were numbered, and that she was about to undergo great and salutary changes. But the Protestant Tory did not believe Rome would ever alter, and he would not sacrifice his principle for what was at best only a political gamble. He would offer the Roman Catholic a seat in the legislature on two conditions only. Either he was to dissociate himself from the alleged spiritual imperialism of Rome and prove his perfect loyalty by taking the oaths and declarations; or he was to reassure the Protestants of the safety of their institutions, by submitting his freedom of action as a legislator, and the activities of his church, to certain restrictions.

These restrictions were the famous 'securities', of which so much was heard between 1800 and 1829. They included from time to time: a royal veto over episcopal elections, and a power to examine incoming briefs and bulls known as the *Placet* or *Exsequatur*; payment of the Roman Catholic hierarchy and priesthood by the state;[2] licences for priests which could be revoked in

[1] *Substance of a speech delivered in the House of Lords on 17 May 1825 by William Lord Bishop of Llandaff* [i.e. Van Mildert], pp. 4–6.

[2] This was not a favour, as might at first sight appear. It was hoped that the priesthood would thus be rendered more amenable to government

case of disloyal conduct; a concordat with the Pope; permission for Roman Catholics to sit in the legislature only at Protestant pleasure, by annual suspension of the tests; and statutory limitations either of the number of Roman Catholics in either House or of the subjects within their legislative purview.[1]

Such were the terms upon which Roman Catholics might be admitted to the legislature. They offered some security for the fundamental Protestantism of the constitution, and formed half of the constitutional substance of the 'Catholic question' which dominated British politics from the Irish Union to the Reform Bill. The other half of the question was concerned with the constitution as it already was, and the statutes which acknowledged and secured its fundamental Protestantism. These were, in chronological order, the Test Acts, the Coronation Oath Act and the Bill of Rights, the Act of Settlement, and the Act of Union with Scotland. All of these the Protestant Tories regarded as fundamental laws.

The coronation oath took pride of place among them, because it alone offered a check on Parliament's sovereignty. Could not the same power that had made the exclusive statutes unmake them? The latest and most strongly worded of them all, the Act of Union, spoke of maintaining and preserving inviolably the Church of England, and of continuing the Scottish Kirk without any alteration in all succeeding generations, but it was matter for research what the framers of those statutes had really had in mind. The Whigs' interpretation of the framers' intentions was very different from the Protestant Tories'; and certain knowledge of their intentions would not of itself have decided the dispute, for it was a general maxim of constitutional thought that no legislative assembly of its own will and without exceptional cause and authority could bind its successors in perpetuity. The essential Protestantism of the constitution was thus in danger of being blown away by mere majorities in parliament unless its exponents

influence. See, e.g., the Duke of Richmond, in C. S. Parker, *Sir Robert Peel from his private papers* (London, 1891–9), i. 73.

[1] The reasonableness of this last security was admitted by no less ardent a 'Catholic' than Sydney Smith; see *The Letters of Sydney Smith*, ed. N. C. Smith (Oxford, 1953), i. 463 f. Professor Burton said a few years later that he had ever been an advocate of relief, but had never dreamt that Roman Catholics would vote on church affairs. *Thoughts on the Separation of Church and State* (London, 1834), p. 59.

could fall back on some active, perpetual, and immutable Protestant principle outside parliament. And such a power they found in the peculiar constitutional position of the king, as defined in his coronation oath. This was truly, as Wellington called it in 1826, their 'last entrenchment'.[1]

The coronation oath bound the king to preserve the Church's Protestantism and the clergy's undiminished enjoyment of their legal rights.[2] The Bill of Rights also required the king to take the second Test Act's elaborate declaration against Popery. Between them, the oath and the declaration combined with the royal supremacy to impose a special responsibility on the king to maintain the Protestant establishment.

According to the theory of the Protestant constitution, the king might reasonably think twice, and more than twice, before assenting to a bill that affected his coronation oath. Furthermore, as an oath, it was a most sacred undertaking, whose interpretation could only be decided between its taker and the Almighty. The advice of his ministers might have in the end to be accepted by a constitutional monarch on all other matters, but in this one field, wherein lay the safety of the church, the king had good reason for exercising an independent judgment of his own. In vindicating this royal independence, the Protestant Tories were in some danger of making him in effect a separate branch of the legislature, co-equal with the others. Henry Phillpotts, who first achieved national celebrity by his contributions to this question, gave the king a very high place in legislation, even, in this connexion, slightly above parliament.[3] Inglis affirmed in the 1828

[1] Letter to Liverpool, in C. D. Yonge, *Life and Administration of Liverpool* (London, 1868), iii. 378.

[2] The question put to the monarch by the Coronation Oath Act, 1 W. & M. c. 6, ran, 'Will you to the utmost of your power maintain the laws of God, the true profession of the gospel, and the protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realm and to the churches committed to their charge all such rights and privileges as by law do or shall appertain unto them or any of them?'

[3] *Letter to an English Layman on the Coronation Oath* . . . (1828). After enunciating the king's absolute right to refuse his consent to whatever seemed to him 'to be at variance with one of the great and expressed objects of the oath' (p. 52) he spoke of the King as 'not, in strictness of speech, a *branch* of the legislature, but rather he is the legislator, limited indeed, and restrained by . . . not the nation's, but the King's great council, the nation assembled to be his council by their representatives in Parliament' (p. 83).

debate, 'though the doctrine is unpopular in this House, . . . that the King of England is not, as some half-republicans call him, merely the first magistrate, but an original integral, essential part of the legislature, and as much entitled to a deliberative voice in any measure as either House of Parliament'.[1] Once the government was in unsafe hands (as it was under Canning and as it remained so long as the duke dispensed with the Ultras) the coronation oath was the Protestant's greatest hope. No wonder Ellenborough noted at the height of the crisis, 'It seems to be the line the Brunswickers take now.'[2] It had to be. It was their last line—but held by the right king, it was a line against which even waves of Whiggery might beat in vain.

The spectacle of George IV consulting his conscience in this matter gave rise to much cynical comment. It is not unreasonable to suspect that he rather relished making the most of his coronation oath as his one chance to show independence of his ministers. He deliberately adopted the same high tone as his father.[3] The duke refused to credit his sincerity, and shrewdly remarked that George had no real conscience on the subject but, especially after seeing his brother Ernest, *fancied* that he had.[4] But after all, this was a matter which no one could be perfectly sure about, and the great thing about the coronation oath was its 'delicacy'. It could only be referred to in particularly gentlemanly, veiled, 'delicate' language. Phillpotts bade Canning remember that the oath was no ordinary political consideration. 'To apply to it our little convenient, political or legal fictions—to talk of "the omnipotence of Parliament" . . . to say that as "the King can do no wrong", as all his questionable acts must be recognized as the acts of his ministers, therefore they must direct him in such a case as this—would be more foolish, even than it would be presumptuous.'[5] This eager solicitude for the sanctity of the royal

[1] 9 May 1828, *Hansard*, new series, xix. 504, or *Mirror of Parliament*, 1828, ii. 1393.

[2] Ellenborough's *Political Diary 1828–1830*, ed. Lord Colchester (London, 1881), i. 395, entry for 16 March 1829.

[3] See his letter to Liverpool in Wellington's *Despatches*, new series, ii. 418; and his letters to Peel, 19 November 1824, in Parker, *op. cit.*, i. 349, and 1 February 1825, Add. MS. 40300, fos. 33–4.

[4] *The Journal of Mrs. Arbuthnot, 1820–1832*, ed. F. Bamford and the Duke of Wellington (London, 1950), ii. 246 and 248 (March 1829).

[5] *Second Letter to Canning on the Catholic Question* (May 1827).

conscience chimed in conveniently with that warm loyalty to the royal person latent in every Tory bosom—loyalty often at its most fervent after dinner, as it must have been with the member for York City who, despite 'roars of laughter', 'cries of oh! oh!' and 'an attempt by the member behind him to pull him down by the skirts of his coat', accused the ministry of 'calmly and deliberately ask[ing] their royal master and mine to build up his stepping-stone to the scaffold with his own hands'.[1]

It is fairly clear that only the indelicacy of the proceeding prevented more Protestant constitutionists from doing what Wellington believed Cumberland did—instructing George what his conscience ought to tell him, and so doing away with a nagging element of uncertainty introduced by the unpredictability of George IV and his successor-apparent. Eldon's unrivalled facility at obstructing change led him to pose a question which, if answered in the Protestant way, would have made their fundamental principle inviolable indeed. 'Whether a King who cannot, in consistency with his coronation oath, sign a bill of concession to the Roman Catholics, can or ought to sign a Bill to enable his successor to do so, by alteration of the terms of the oath, deserves consideration.'[2] If he might not be able to sign such a bill, might he not be entitled to withhold his sanction from the promotion of an even more intolerable bill in the first place? The constitutional issue was acute, because by George IV's time it was accepted as the monarch's constitutional duty to support his ministers' measures once he had sanctioned their promotion.[3] Up to 1829 the monarch had sanctioned only very minor measures of Roman Catholic relief. In 1829 he sanctioned

[1] 26 February 1829, *Hansard*, new series, xx. 584 f., and *Mirror*, 1829, i. 294–5. He concluded his oration with the couplet,

> Whilst I can handle stick or stone,
> I will defend the Church and Throne,

and was apparently about to repeat them when the Speaker cut in.

[2] See A. Aspinall, *Letters of George IV* (Cambridge, 1938), iii. 123. Other instances of the same doubt are given in Twiss's *Eldon*, ii. 545, and Colchester's *Diary and Correspondence*, ed. by his son (London, 1861), iii. 510.

[3] See Richard Pares, *George III and the Politicians* (Oxford, 1953), ch. 5 in general and p. 181. It is not surprising that this convention was challenged by the Protestant Tories, since it went clean contrary to the still widely used Blackstonian account of the constitution, according to which 'the king, as

a major measure and, as Mrs. Arbuthnot commented, it seemed nonsense to go on talking about the king's oath once he had sanctioned the speech from the throne.[1] But the resources of the Protestant constitution were not quite exhausted.

Two reserves could be thrown into the battle. The first was the implication that George did not know what he was doing, or that he had been improperly coerced. Wellington went to great pains to inform Lord Kenyon, who, no doubt with the incidents of 1807 in mind, had suggested that George would never have sanctioned the bill if he had known its details, that the king knew *all* about it.[2] Eldon gave the Lords a broad hint when he told them 'They would, indeed, place his Majesty in a distressing position if by passing this bill, knowing his opinion to be adverse to it, they were to place upon him the whole weight and odium of refusal.'[3] The Duke of Newcastle, who said the bill was one 'for oppressing and injuring the King',[4] was among the leading Protestant peers who diligently exercised their age-old right of audience with the king in an attempt to steel him to his duty. At one of these audiences he sought from George a direct lead such as his father had given on the occasion of Fox's East India Bill. He 'represented the importance of his Majesty's sentiments being known *before* the Bill came up to the House of Lords, that those most devoted to his Majesty might not be misled into the supposition that, by giving the Roman Catholic bill their support, they were acting in conformity to his especial wishes'.[5] The king was not so rash as to give any such lead to the peers at large, but apparently he did not conceal his sentiments from those nearest to

a branch of the legislature, can know nothing of any resolution of parliament, till it has passed both houses of the legislature'; see J. J. Park's shrewd book, *The Dogmas of the Constitution* (London, 1832), pp. 11, 126–7.

[1] Mrs. Arbuthnot's *Journal*, ii. 248, entry for 4 March 1829.

[2] 16 March 1829, *Hansard*, new series, xx. 1074 f., or *Mirror*, 1829, i. 585. In 1807 the Tories justified the king's objections to the Talents on the ground that he had not been informed of the full terms of their small relief bill; while the ministers insisted that he had. Michael Roberts concludes that the ministers were not quite telling the truth, in his article 'The Fall of the Talents', *Eng. Hist. Rev.*, l (1935), 61 f.

[3] 4 April 1829, *Hansard*, new series, xxi. 355–6, or *Mirror*, 1829, ii. 1055.

[4] 2 March 1829, *Hansard*, new series, xx. 646, or *Mirror*, 1829, i. 336.

[5] Colchester's *Diary and Corresp.*, iii. 607, entry for 14 March 1829.

him, and the effects of even that were sufficient to irritate his harassed ministers.[1]

The last constitutional reserve of all was the royal veto. That the Protestants continued mentioning such an obsolete device after the king had allowed his ministers to go forward with the bill shows how seriously they took the situation. Portland had advised George III to use the veto if necessary in 1807, and Perceval had told Sidmouth, that the king in the last resort could dispose of the Talents' obnoxious bill 'by his friends in your House, or by his own negative'.[2] Twenty-two years later the veto was still being discussed in the same context. Protestant Tory groups petitioned the king to veto the bill.[3] Bishop Burgess published his hopes that the king would do so.[4] 'I was told, yesterday morning,' wrote Bishop Lloyd from Oxford, 'that the King had only given leave to mention the subject in the Speech, but did not consider himself bound not to put his veto on the measure, even if the Bill passed both Houses. This is surely impossible.' [5] The Protestants refused to believe so. They nursed their unconquerable hope up to the last hour, but their royal master failed them. The act for the relief of his majesty's Roman Catholic subjects, innocent of all but a few insignificant face-saving securities, became law on 13 April 1829.[6]

* * * *

A few conclusions may be suggested about the Protestant constitution and the men who tried to preserve it. First, the theory of the Protestant constitution was not, in itself, as vicious

[1] Mrs. Arbuthnot's *Journal*, ii. 243.

[2] A. Aspinall, 'The Cabinet Council 1783–1835', in *Proceedings of the British Academy*, xxxviii (1952), p. 238.

[3] For instance, the petitioners described by C. H. Cooper, *Annals of Cambridge* (Cambridge, 1852), iv. 560, or those of whom Peel complained to Hobhouse in early April 1829, Add. MS. 40399, fos. 134–7.

[4] His second letter to Wellington, 16 March 1829, in Wellington's *Despatches*, new series, v. 528 f.

[5] Letter of 8 February 1829, in Peel's *Memoir of the Roman Catholic Question* (London, 1856), p. 325.

[6] The act itself contained clauses prohibiting Roman Catholic bishops from using the titles of the ancient sees, prohibiting religious celebrations except in churches and private houses, and intending the eventual suppression of the Jesuits: see B. Ward, *The Eve of Catholic Emancipation* (London, 1911–12), iii. 258–9. It also imposed a very long oath upon

or illogical as has often been made out. Like all political theories it rested on certain half-concealed views or assumptions about human nature and religion which could be, and were very vigorously, disputed; but it must be admitted that historical experience up to and including their own time gave the Protestant Tories at least some grounds for believing in original sin and the intolerant tendencies of Roman Catholicism without forfeiting their characters as reasonable beings. Their higher principles were in practice mixed up, as tends to be the way with high principles, with matter from lower spheres. For many of them 'No Popery' walked in company with a forbidding and often ill-informed attitude towards political economists, manufacturers, Irishmen, parliamentary reform and even Protestant dissent; but this very mixture of the sacred and profane illustrated one of the theory's leading principles, namely, its insistence on the inseparableness of religious and secular concerns, in the mind and life of the individual as in politics and political theory. The acts of 1828 and '29 went far to blow this principle out of the old constitution. If it is admitted that the constitution, whatever it has been like since the Reform Bill, was 'in church and state' throughout the eighteenth century, then it follows that any view of the constitutional changes wrought in 1832 is incomplete if it does not take in the years 1828–1832, and that the acts of 1828 and '29 should be seen as the first two stages of a thoroughgoing constitutional revolution in church and state.

Another principle of the Protestant constitution was toleration. Its supporters were of course accused of the very opposite, and, in respect of many of them, fairly enough. Too many, especially Irish land-owners and evangelical clergymen, were blinded by their upbringing, their passions or their stupidity to the possibility of their not possessing a monopoly of right. And yet the appearance of intolerance which sat upon the party as a whole did them an injustice, and was the outcome less of their vices than of their virtues. They proposed to retain limitations on

Roman Catholic members of both houses, binding them not to harm the Protestant establishments; excluded Roman Catholics from the offices of Regent, Lord Chancellor, Lord Keeper, Lord-Lieutenant of Ireland, and High Commissioner to the General Assembly; and most carefully debarred Roman Catholics from themselves exercising, or advising the crown on the exercise of, church patronage.

civil liberty, and legal superiorities for the established churches, only because they doubted whether religious liberty could otherwise be secured; and they were as fearful for religious liberty under the secular state, whose dawning the more farsighted saw dimly in the distance, as under the Roman Catholic state, which gave them their more immediate nightmares. It was to save the United Kingdom from these dangers that the Protestant Tories remained deaf to arguments of pressing political expediency and stuck close to the Protestantism of the constitution as a fundamental principle of it, religious in the first instance, but ultimately guaranteeing also the civil liberties and constitutional advantages which both they and their opponents valued. The laws which preserved its Protestant character were, to their minds, fundamental laws. That was partly why they stood by them so doggedly.[1]

If the theory of the Protestant constitution was intellectually as respectable, and if its supporters were as much in earnest, as has just been made out, a two-sided difficulty remains to be resolved. Why has the theory become submerged beneath the events of which it alone makes sense?—and why did the supporters, who seemed so united and determined in 1829, as a group disappear almost without a trace?

It is obvious that the purely secular conflict over parliamentary reform, and the mixed conflicts over Irish church issues which accompanied it, were sufficient to engross the attention of Protestant Tories even before the storms unleashed in 1829 had died down. But even before the first Reform Bill came into debate, the zeal of the Protestant constitutionists seems to have evaporated. Through the late spring and summer of 1829 they had talked a good deal about repealing the act in the next parliament, but I have not found any serious promises to do so in the election literature of 1830. It seems probable that the convulsions to be anticipated in Ireland from the repeal of the act frightened even those who had preferred to risk civil war to passing it. It is certain also that the accompanying act for the disfranchisement of the Irish forty-shilling freeholders,[2] which promised to restore

[1] The most recent writer on the subject of fundamental law, J. W. Gough, *Fundamental Law in English Constitutional History* (Oxford, 1955), notices its appearance at this juncture only in connexion with George III's difficulties over his coronation oath in 1800.

[2] 10 Geo. IV, c. 8.

the Protestant landlords to their just influence, appeared as a satisfactory substitute security to all who were prepared to accept immediate political safety in place of constitutional principle.

Another reason for the remarkable disappearance of the Protestant Tories is that the changes visibly consequent upon the act were not nearly as alarming as many of them had prophesied. They were chronically excitable. The mere existence of Jesuits tended to alarm and excite a Protestant Tory in the same way as rumours of radicals had alarmed and excited Sidmouth and Castlereagh in 1816 and 1817. No party has ever had a sharper eye for the thin ends of wedges, or a neater talent for tracing logical conclusions; and as a result, their political prophecies were, to say the least, extravagant. In 1819 Archbishop Manners-Sutton had told Grey that his mild relief bill was nothing less than a proposal 'that a Protestant king should reign, and that the laws should be framed by a Roman Catholic House of Lords, and a Roman Catholic House of Commons.'[1] If this could be said of Grey's bill, what could not be said of Peel's? And yet when the smoke of battle cleared away, the spectre of Roman Catholic majorities in the legislature was seen to be still infinitely remote, and all that the anxious Protestant could find a year after the act to nourish his fears of backstairs influence, was a popish privy councillor and two popish ladies of the bedchamber.[2]

Besides, the constitution preserved many of its Protestant features. The monarch, the Lord Chancellor, the Lord-Lieutenant still had to be Protestant, and the Protestant churches were still to all appearances well-established. Throughout the nineteenth century men went on proclaiming the impermissibility of legislation intended or likely to assist popery. In 1833 the coronation oath rose phoenix-like from the ashes to which Ellenborough thought Grey had reduced it four years earlier,[3] and it was kept bright by Protestant conservative use for at least twenty years more.[4] The presence of papists in parliament and the absence of

[1] 10 June 1819, *Hansard*, xl. 1056.

[2] Election advertisement in support of Lord Charles Manners, in the *Cambridge Chronicle*, 23 July 1830.

[3] Ellenborough's *Political Diary*, ii. 4, entry for 4 April 1829.

[4] The persistence of Protestantism as an element in conservative politics, which was briefly noticed by R. L. Hill, *Toryism and the People* (London, 1929), pp. 59–61, has been studied by Dr. Gilbert Aloysius Cahill, who has

the old salutary tests made the organization of public opinion in the Protestant interest all the more important, and this doubtless accounts largely for the increased heat of 'No Popery' by the mid-century, and for the Evangelicals' growing obsession with the wickedness of Rome.

But this easy satisfaction with the surviving Protestant characteristics of the constitution reveals, and serves well to introduce, a weakness in the Protestant Tory position which contributed to their undoing. They were caught between having too little principle and having too much, between setting too low a value on the religious character of the constitution and setting a value on it so high as to make politics quite impracticable in early nineteenth century conditions, the most significant of which was the union with Ireland. Many of them took easily to the ideas of subsidizing Maynooth and paying the priests, but the more high-souled wondered how that legislature could be *truly* Protestant which went beyond the toleration of Roman Catholicism to the actual support of it. The term 'Protestant' itself was unsatisfactory. It held a precise enough theological meaning for Evangelicals and a clear enough general meaning for the Church-and-King men, but to the high churchmen who made up the intellectual weight of the party it was fraught with delusions and perils. Membership of the Church of England was proving difficult enough to define as Evangelicalism spread and taught churchmen to fraternize with dissenters; membership of the 'Protestant church' or 'Protestant religion', concepts constantly invoked by many of their political allies, was impossible to define and was consequently useless for constructive politics. The effect of the acts of 1828 and 1829 on the growth of high churchmanship in Britain has not yet been investigated, but it must have been considerable. The former shook them out of the habit of regarding establishment as a *sine qua non*, and the latter brought forcibly home to them what bad theological company they had been keeping. It was no accident that the nearest thing we have to a full exposition of the exclusive Anglican and Protestant theories of the constitution was written, recollected in the tranquillity of

kindly allowed me to read his doctoral thesis, 'Irish Catholicism and English Toryism, 1832–1848', in the library of the State University of Iowa. His conclusions are summarized in his article of the same title in the *Review of Politics*, xix (1957), 62–76.

the late 'thirties, by the ardent young Tractarian Tory, William Ewart Gladstone.[1]

It remains only to consider the simplest charge of all against the Protestant Tories, that of sheer absurdity and thoughtlessness. Some of them indeed were absurd enough. Wetherell seems to have been a buffoon, Newcastle has very fairly been described as a 'tragic old goose',[2] and the leaders of the London and Westminster Protestant Club who organized a grand procession to Windsor to petition the king to veto the bill ended up in the inn, where, it was reported to the Home Secretary, they 'became much intoxicated . . . made some attempts to address the few persons (chiefly boys) in front of the house, and departed about ten o'clock.'[3] But apart from the inevitable idiots and extremists, there were many whose seeming folly may turn out on close inspection to have had a grain or two of sense in it. Sir Richard Vyvyan, for example, an impassioned leader on the Protestant Tory side, gave what Norman Gash correctly describes as a 'rambling and, at times, almost unintelligible' speech at the Cornwall county election in 1830,[4] but it can be attributed to other causes than personal lack of balance if his Protestant principles are taken seriously. He and his friends had recently suffered two of the severest shocks that responsible conservatives at that time could suffer; they had seen their principles betrayed, and they had lost their leaders.[5] The shock was greater even than that which Peel

[1] *The State in its Relations with the Church*, 1st ed., 1838, 4th and much enlarged ed. in 2 vols., 1841. Its principles are those repeatedly expressed, but never put into order as parts of a complete political philosophy, by such eminent spokesmen of the old order as Southey, Van Mildert, and, in his own way, Coleridge. See especially the passage on pp. 244–6 of the 4th edition.

[2] G. Kitson Clark, 'The Repeal of the Corn Laws and the Politics of the Forties', *Economic History Review*, 2nd series, iv (1951), 10.

[3] Letter of 11 April 1829, Add. MS. 40399, fo. 150.

[4] 'English Reform and French Revolution in the General Election of 1830', in *Essays presented to Sir Lewis Namier*, ed. Richard Pares and A. J. P. Taylor (London, 1956), p. 267.

[5] See, e.g., Durham's letter to Prince Leopold, 3 November 1828, in S. J. Reid, *Life and Letters of Durham* (London, 1906), i. 195 f., and Denis le Marchant, *Memoir of Althorp* (London, 1876), p. 318. Much more needs to be known about local political organizations before the reform bill, and particularly about the varieties of Church-and-King clubs, under their many titles.

and the duke again gave their party in 1846, because it hit their deepest religious beliefs as well as their social assumptions and sense of political decency, and because Inglis, Vyvyan, Chandos and the rest were none of them Disraelis.

* * *

In 1829, as in 1846, they who had lost their leaders believed that they had been forsaken and betrayed by them. In the long debates of the spring of that year they rehearsed, for the last time, their objections to the great concession. Some of them, after the approved fashion of their times, expressed their feeling in verse.

> Hark! to the voice that bursts the silent tomb
> In the keen agony of heart-felt woe;
> On God it calls to stay th' impending doom
> That lays a nation's trophied honours low.
>
> It speaks in anguish from the martyr's pile,
> It breathes indignant from the patriot's dust,
> Whose blood was lavished for their native isle,
> To leave their sons a dear, a hallowed, trust.
>
> His country's call the princely Chandos hears,
> Her call the dauntless Winchilsea obeys;
> And at her shrine, unbowed by withering years,
> A faithful heart the virtuous Eldon lays.[1]

For reasons sufficiently obvious, they invited, and duly received, much ridicule and abuse. Many of them had little understanding of the necessity of change in a changing world. They lacked vision for the future. Yet when Ellenborough broke the news of the Government's intentions to Bankes, 'He seemed very much affected, breathed hard, and was nearly in tears. At last he told me he was perfectly free to act as he pleased . . . but that he feared he should be obliged to leave us.'[2] '*I* cannot . . . sacrifice principle to expediency,' wrote Sidmouth to Exmouth, 'nor become a party in attempting to avert immediate difficulties at

[1] A few verses from 'The Warning Voice' which made itself heard in the *Leicester Herald*, 18 March 1829.

[2] Ellenborough's *Political Diary*, i. 333 f., entry for 2 February 1829.

the expense of an irremediable, and permanent, and, I fear, fatal blow to the Protestant constitution of the country.'[1]

This sober, sad, and firm attitude on the part of the faithful remnant of the Protestant constitutionists drew a tribute even from one with the strongest reasons for rejoicing at their discomfiture. Lady Holland remarked, with a touch of Whiggish surprise, 'Some of the Lords are really *de bonne foi*, such as Lord Winchilsea, who is not a very able man, but who is honest, frank, and zealous in what he thinks the duty of a true Protestant. I like him personally for his warmth, and sincerity.'[2] 'The dauntless Winchilsea' and the gentlemen with whom he was accustomed to act may have expressed their attachment to the British constitution in tedious or ill-considered language, but they were not the less sincere, or their cause the less respectable, for that.

[1] Letter of February 1829 in Pellew's *Sidmouth*, iii. 425.

[2] *Elizabeth Lady Holland to her Son, 1821–1845*, ed. Lord Ilchester (London, 1946), p. 96, letter of 14 February 1829. For other kind opinions of Winchilsea see Roundell Palmer, *Memorials Family and Personal, 1766–1865* (London, 1896), i. 158, and Benjamin Harrison, letter of 1 November 1832, Add. MS. 44204, fo. 10.

THE NEW AGRICULTURE IN LOWER NORMANDY, 1750–1789

By Alun Davies, M.A.

READ 9 NOVEMBER 1957

ACCORDING to Lord Ernle, the period from 1750 to 1789 was, in spite of many dark features, the brightest period hitherto reached in the history of French husbandry, a period during which 'we turn, as it were, from the sombre etchings of La Bruyère to the smiling pictures of Watteau'.[1] It certainly was a time when the spirit of agrarian reform which was prevalent throughout Western Europe was blowing strongly in France, arousing great enthusiasms and aspirations. From the presses of France poured a spate of agricultural treatises, books and pamphlets deploring the existing agricultural system, proclaiming the virtues of the English system of capitalist farming, urging the emancipation of property and of sale from all restrictions in order to achieve increased production, higher profits, and the investment of more capital.[2]

There was nothing fortuitous about this literary deluge: it derived from both intellectual and material circumstances. Intellectually, it was part of that tremendous interest in natural history which was such a marked feature of eighteenth-century thought, and which was in turn the consequence of the teachings of Bacon, Descartes and Fontenelle. The agricultural theorists sought for principles which would resemble the famous enumerations and classifications of Buffon, and like other writers of the Enlightenment they preached rationalization of organization and practice, and a contempt for tradition. Economic and social developments in eighteenth-century France were similarly encouraging agricultural changes: the steady rise in prices and the

[1] R. E. Prothero, *The Pleasant Land of France*, pp. 38–9.

[2] A *Bibliographie agronomique* published in Paris in 1810 listed at least 1,214 such works published in France during the eighteenth century. The influence of English theory and practice has been examined by A. J. Bourde, *The Influence of England on the French Agronomes 1750–1789* (Cambridge, 1953).

rent of land, the pressure of an increasing population, the beginnings of greater urbanization, the development of communications, especially the road system, and the expansion of overseas trade.[1] The higher nobility, impoverished by the wars and by the expense of court life, welcomed, or at least did not oppose, changes and improvements which meant increased production from its lands, and hence an opportunity to recoup its fortunes, provided that its ancient privileges were maintained. The provincial middle and petty nobility likewise were interested and began to supervise more closely the working of their estates and to exhibit, in the words of the jurist Merlin de Douai, 'the mask of a false zeal for agricultural progress'.[2] The increasing acquisition of land around towns since the seventeenth century by the nobility of the robe and the merchant bourgeoisie as a result of the increasing wealth of towns, the impoverishment of the older nobility and the enfranchisement of land[3] introduced into the countryside a new commercial spirit of profit-making and hence an interest in and a taste for the new agricultural methods. The better-off peasants, enriched by the high price of agricultural products, were eager to acquire a greater degree of independence, and to free themselves from the possibility of interference by smaller and poorer peasants. In short, the intellectual, economic, and social conditions of the period combined to encourage and to call for agricultural improvements.

The prospect of increased production and free sale of agricultural products could not, however, be realized without direct government interference and encouragement, for it meant enclosure, the suppression of collective and customary rights, and the division of common lands in order to ensure their clearance. The government, not surprisingly, hesitated before committing itself wholeheartedly to the fashionable prescriptions of progressive thinkers. It was tempted by the prospect of increased production which would lessen the possibility of recurrent famines and scarcities, reduce the need to import livestock,

[1] There is a convenient summary of the influence of these factors in Ph. Sagnac, *La formation de la société française moderne* (1946), ii. 162–7.

[2] Quoted by J. Jaurès, *Histoire socialiste de la révolution française*, 2nd edn. (1927), i. 234.

[3] G. Roupnel, *La ville et la campagne au xvii^e siècle*, 2nd edn. (1952), p. 249.

increase the population and thus the number of taxpayers at a time when its financial position was deteriorating. It nevertheless realized that, in the meantime, there would have to be a difficult period of transition. Some peasants would be displaced, to swell the number of vagrants, and civil disturbances might well break out. It was all very well for the eager reformers to maintain that if hardships ensued they were, after all, necessary in the interests of long-term efficiency and improved welfare for everybody, and that the day-labourers were only a minor part of the rural economy anyway;[1] but those whose task it was to implement the decisions of the central government, the *intendants*, *subdélégués*, and the municipal authorities, who were in close contact with the peasantry, had much stronger reservations about the adoption of a new policy, and might even be hostile to it. They, after all, were directly responsible for the maintenance of public order; moreover they had to consider the special circumstances and needs of the areas under their jurisdiction, the possible objections of farmers-general, and the needs of industry which might often be contrary to those of agriculture. On the other hand, they sought to avoid conflict with the nobility, especially in the Parlements, while considerations such as smoothness of administration and their future careers might make them reluctant to show any dilatoriness in carrying out instructions of the central government.

The advent of men sympathetic to the new ideas of liberal economics at the head of affairs, Bertin, Trudaine, and d'Ormesson, resulted in the participation of the government itself in the introduction of agrarian reforms.[2] This paper seeks to examine the impact and, above all, the social repercussions of the new agricultural theories and policies in that part of Lower Normandy which is now included in the *département* of Calvados. It proceeds from the assumption that the study of agrarian problems at the end of the old régime can best be brought to good purpose by examining a specific area at close range. Further, by taking an area which was not economically backward but was, on

[1] For example, by the comte d'Essuile, *Traité des Communes* (1770), p. 109.

[2] The administrative skirmishes which help to explain the fluctuations of the agricultural policy of the old régime are described in M. Bloch, 'La lutte pour l'individualisme agraire dans la France du xviii[e] siècle', *Annales d'histoire économique et sociale*, ii (1930), 329–83, 511–56.

the contrary, considered by the topographers Peuchet and Chanlaire, writing in 1810, as 'one of the most populated, the richest, and hence one of the most important *départements* of the Empire, with a fine agriculture, very active trade and flourishing towns',[1] one may appreciate something of the varied and complex pattern of French rural life at an important stage in its development.

The improvements in technique involved in the new agriculture necessitated instruction and encouragement. This was to some extent provided by improving landlords like the prince of Monaco (who was also count of Thorigny), who employed an English agriculturist to manage his Norman farms and to teach new methods to his peasants.[2] Agricultural education on a wider scale, however, meant some form of government action, and was the task entrusted to the agricultural societies, the establishment of which it fostered. They were to provide both precept and example: precept by stimulating the peasantry to activity; example by clearing waste land, growing new crops and improving existing ones. In the generality of Caen the intendant from 1752 to 1775, the authoritarian and ambitious Orceau de Fontette, showed much reluctance in organizing the society. His view was that the *Académie des arts et belles-lettres* which had been founded in 1705 was already doing this sort of work well enough and that, in any event, public opinion felt 'that the surest means of encouraging agriculture would be to protect the farmer from any increase in taxes, the arbitrary nature of which discourages the industry'.[3] The correspondence between the intendant and his subordinates likewise reveals their indifference and mistrust of the project: the *subdélégué* of the *élection* of Vire held that all possible means of clearing waste land and improving cultivation had been tried and

[1] Peuchet et Chanlaire, *Description topographique et statistique de la France* (1810), i. In the notes which follow, documentary material in the *Archives Nationales* and the *Archives départementales du Calvados* is referred to by the abbreviations Arch. Nat., and Arch. Calv., respectively, followed by the letter denoting the series and the number of the carton. My debt to the teaching and writings of M. Georges Lefebvre is so great that I can but refer the reader to the bibliography of his works in his *Études sur la révolution française* (1954).

[2] P. D. Bernier, *Essai sur le tiers-état rural en Normandie* (Mayenne, 1891), p. 143.

[3] Letter to Bertin, 5 December 1760, Arch. Calv., C.2498.

that in a region of *bocage* such as his, the poverty of the soil meant that further progress was impossible; the *subdélégué* of the *élection* of Caen reported that such projects were regarded 'as speculations which were of little use and in which all the expense and all the profit was purely intellectual.'[1] As a result, it took a long time for the society to be formed, and only after some direct intervention on the intendant's part, in spite of his own obvious dislike of the scheme, was it finally established by a decree of the king's council on 26 July 1762, and its members appointed on 24 February 1763.[2]

The society consisted of seventy-six members who were drawn from the three orders: big landowners and lay or ecclesiastical lords like the duke of Harcourt and the bishop of Bayeux, five marquises, judicial and fiscal officials of all kinds, and three merchants whose knowledge of the export trade of the ports of the area would enable them to advise on desirable crops. The society proved to be very lethargic, in spite of the perseverance of its secretary Desmoueux, a professor of medicine and botany, and a man 'full of zeal and talent' according to the intendant.[3] It published a volume of papers in 1765,[4] but its meetings were infrequent, and as early as 1774 the intendant, perhaps with some personal satisfaction, was commenting on its uselessness and the rapid cooling of the ardour of its members with the result that 'its only existence was that given it by the author of the almanach of the town of Caen'.[5] It had a short burst of activity in 1785, probably on account of the fodder shortage of that year, but thereafter to all intents and purposes it ceased to exist, and by 1789 was kept going only by the indefatigable zeal of its secretary.

A society of this sort which was thoroughly urban in concept and mostly urban in composition could have little or no direct connection with or significance for the countryside. Its influence might have been greater had there been a greater degree of

[1] Arch. Calv., C.2501.

[2] De Fontette seems to have done nothing during the winter of 1761–2, for whereas he promised the controller-general a draft of the decree needed and a list of nominations on 27 October 1761, he did not produce them until 25 May 1762. Arch. Calv., C.2498.

[3] *Ibid.* The list of members is printed in E. Justin, *Les sociétés royales d'agriculture au xviii^e siècle (1757–1793)* (Saint-Lô, 1935).

[4] Arch. Calv., C.2501.

[5] Letter to Bertin 15 February 1774, Arch. Calv., C.2500.

decentralization, with sub-offices in the *élections* and corresponding associates appointed in the parishes, as the intendant had suggested.[1] As it was, however, the agricultural education of the peasantry was limited to a few printed instructions which the government sent to the intendants from time to time, the distribution of which was certainly restricted.

The emphasis of the agricultural theorists on the need to increase the amount of cultivable land, their strong criticism of the use being made of commons, and their claims to make possible the cultivation of the poorest soils, soon led to government action. The order-in-council of 16 August 1761 offered to any person clearing waste land a ten-year exemption from taxes on any such cleared land, and on 14 June 1764 a similar exemption was granted for the drainage of the marshes. In 1766 the government went a step further and extended the period to fifteen years in the case of waste, and twenty years in the case of drained marshland.[2] Three methods of effecting land clearance were possible: the granting of concessions to individuals or companies, the renting of portions of waste, and their division among those using them. The first method was applied, in particular, to waste lands within the domain of the Crown, and applications for these soon came in from all directions; from great nobles and government officials, from merchants, *rentiers* and professional men.[3] Not surprisingly, a concession was sought by 'the Townshend of the new movement',[4] the marquis de Turbilly, the well-known author of the *Traité des défrichements* which Arthur Young admired so much, and who was already reclaiming wastes on his estates at La Flèche in Anjou.[5] Many of them had no property in and no connection with the area, and applied for concessions from addresses in Paris and elsewhere. They asked for large-scale concessions in order to sublet them in small lots. This promised to be a profitable undertaking at a time and in an area where so many peasants were half-farmers and half engaged in domestic industry, and hungered for land, the price of which was steadily rising.

[1] Letters to Bertin, 25 May and 27 September 1762, Arch. Calv., C.2498.

[2] H. Sée, 'La mise en valeur des terres incultes (défrichements et desséchements) à la fin de l'ancien régime', *Revue d'histoire économique et sociale*, xi (1923), 62–81.

[3] Arch. Calv., C.4197.

[4] Prothero, *Pleasant Land*, p. 39.

[5] Arch. Calv., C.4197.

Of such concessionists, the most prominent in the area, and the one whose case gave rise to much trouble, and to a lengthy and tedious correspondence, was one Jean-Marie-Alix de Boullonmorange. By birth a Turk named Chélebi Mehemet Ali, and claiming descent from the Prophet, he had been converted to Christianity by a slave while recovering from a fall from a horse, and at the age of sixteen had run away from home and taken refuge with the French consul at Smyrna. He had come to France disguised as a ship's boy, had been baptized by the bishop of Cavaillon, and secured the patronage of Jean de Boullongne, controller-general of the finances from 1757 to 1759, and of a Madame de Moras, the wife of a secretary in the department of Marine. Combining the names of his two protectors, and adding the word *ange*, he had called himself Boullonmorange; he was granted letters of naturalization by the king, and a guardian in the person of the Abbé Guillaume de Villefroy, professor of Hebrew in the *Collège Royal*, commendatory abbot of Blazimont, and one of the royal book censors. According to Boullonmorange himself, the king wished to compensate him for the sacrifices he had made by abjuring his high rank and great fortune.[1] However this may be, an order-in-council of 24 September 1761 granted him a concession of no less than 'all the unoccupied lands, empty, deserted places and uncultivated marshes belonging to His Majesty in the *élections* of Caen, Bayeux, St-Lô, Coutances, Carentan, and Valognes'.[2] In principle, this meant waste lands within the royal domain, but these had first to be identified and clearly distinguished from the lands of others, and the intendant was instructed to have them surveyed and mapped.

Such a sweeping and undefined concession naturally produced a number of technical and legal difficulties and aroused the hostility of all interested parties, for 371 parishes were affected, a large number of which actually contained no waste land.[3] The intendant undertook his task with extreme distaste, and from the beginning stressed the harm done to the parishes involved, especially to poorer peasants. The uncertainty about the exact boundaries of the royal domain aroused protests from noble

[1] Arch. Calv., C.4199. [2] Arch. Calv., C.4203.

[3] For example, marshes in the parish of Bréville which were included in the concession actually belonged to the barony of St. Pair which was held by the abbey of Mont St. Michel. Arch. Calv., C.4205.

landowners like the duke of Orleans, the count of Maupeou, the count of Vassy; seigneurs and peasants joined forces to resist the concession.[1] By 1774 Boullonmorange was complaining that he had spent a great deal of money in having the lands surveyed, in disproving the claims of his opponents and proving that the lands really belonged to the king, and that the intendant had openly shown his opposition to him in spite of the dauphin's intervention on his behalf.[2] By 1778 he was claiming that the survey prescribed by the Crown had already cost him 200,000 *livres* but that no clearance had taken place and that, in the meantime, waste lands already included in his concession had been granted by the Crown to other noblemen.[3] The final outcome was that Boullonmorange achieved nothing except to rouse opinion against him, and the concession was subrogated to the Polignacs and the d'Aspects; the same difficulties faced them, and the concession was finally annulled on 27 June 1785. On the same day, the king's council made it more difficult for speculators of this kind to operate by decreeing that waste lands within the royal domain should preferably be granted to rural parishes and local men, and that only if such applications were not forthcoming should those of outsiders be considered. Accordingly, seigneurs, landowners, and parishes were invited to make their bids to the inspector-general of the Royal Domain who would lease such lands out.[4]

A similar concession was granted to the marquis of Courcy in 1762, met with the same sort of difficulties, and was revoked

[1] In the *élection* of Bayeux: the bishop of Bayeux, the seigneur of Marigny, and the villages of Formigny, St. Laurent-sur-Mer, Surrain, and Colleville; in the *élection* of Caen: the marquis of Vassy, the seigneur of Villy, and the villages of Troarn, Cléville, Hérouvillette, Villy, Mouen, Missy, Bény. Arch. Calv., C.4202–3.

[2] Letters to Bertin, 11 April and 11 May 1774, Arch. Nat., H.1492.

[3] Arch. Calv., C.4199.

[4] Arch. Calv., C.4200, 4197; Arch. Nat., Q^1 1383. This decision of 27 June 1785 was extended to apply to the *généralités* of Rouen and Alençon in the following year: J. Sion, *Les paysans de la Normandie orientale* (1909), pp. 216–18. The liquidation of the concession proved to be an expensive item for the Crown. The Polignacs and d'Aspects received a total of 190,000 *livres*. Boullonmorange refused Calonne's offer of bonds assuring him of an annuity of 12,000 *livres* for life, and a cash payment of 80,000 *livres*, on the grounds that it was insufficient. Report of the *maître des requêtes*, Arch. Nat., Q^1 84.

in 1786.[1] Such large-scale and vague concessions hardly achieved any significant economic result. As the intendant had maintained from the beginning, the purpose of speculators of this sort was to secure waste land cheaply and to sell it at a profit, whether it had been cleared or not, and the net result of the orders-in-council which they secured was to involve parishes in expense and to spread alarm and disturbance. Clearance could be effected only by co-operation between seigneurs and parishes with the direction and help of the government.[2] Like his colleagues in other provinces he was not opposed to the policy of clearance. While well enough aware that the commons enabled a number of peasants to eke out a living, their cultivation would increase the food supply and provide additional taxable material if they were divided into individual holdings. The process of clearance might be slower on account of the lack of capital by individuals as compared with companies, but this disadvantage could partly be met by dividing the land into small portions, and it would at least mean that the profit would not then be going out of the area. His view was that this should be done by a general law dividing the commons among the inhabitants of a parish in proportion to their properties, but the government would not issue such a law, preferring that the parish should in the first instance ask for partition, and for this then to be enjoined by orders-in-council laying down the method.[3]

The co-operation between seigneurs and peasants in opposing the activities of concessionists, which we have seen in the case of Boullonmorange, was not unusual. There are similar instances in

[1] Arch. Calv., C.4199.

[2] Speech of de Fontette 2 December 1761 to the *Académie royale des belles-lettres de Caen* printed in *Séance publique pour la rentrée de l'Académie...* (Caen, 1762), pp. 87–123. Cf. R. N. Sauvage, 'L'intendant Fontette et les concessions des terres incultes dans la généralité de Caen', *Normannia*, xii (1939), 1–16; draft reply to de Beaumont regarding an application by Boisjugan, 19 August 1764. Boisjugan and his associates had not bothered to make any inquiries about the lands they asked for and did not even know what they were called but had merely copied the names of parishes. Arch. Calv., C.4197.

[3] As Terray expressed it: 'Division should only be the result of persuasion. It should always be preceded by the consent of most of the inhabitants.' Correspondence between de Fontette and Terray 1771–4, Arch. Calv., C.4195.

other parishes,[1] while the general *cahier de doléances* of the *bailliage* of Caen and its four secondary *bailliages* of Bayeux, Falaise, Thorigny and Vire called for the protection of seigneurs and parishes in 'ownership of wastes and marshes from concessionists and usurpers' and the restitution of those of which they had been deprived.[2] It was, of course, a marriage of convenience. The privileged were interested in resisting the activities of outside persons because they were themselves actively concerned with acquiring the fresh sources of profit offered by the common lands, and any outside large-scale undertakings threatened to weaken their economic and social position. Their opposition to the concessions which were being so freely granted by the king's council found legal expression in the sturdy defender of their interests, the Parlement of Rouen, which registered the royal proclamation of 1766 only after introducing the stipulation that no clearance of waste could be undertaken unless it was acceptable to seigneurs and landowners.[3] The government's declared policy merely stimulated their activities, and they increasingly resorted to appropriating part or whole of the common lands. The chief obstacle in their way was the ordinance of 1669 whereby the Crown had clearly recognized the danger to public order and of a reduction of the tax yield which would be involved in the process: by it the seigneur could, in principle, dispose of one-third of the common lands if he had freely conceded these lands to the parishioners in the past, but only provided that they had not, in the meantime, bought the rights of usage from him, and that the remaining two-thirds would be sufficient for the needs of the parish. This was evidently not to the liking of the seigneurs and a noble correspondent of the count of Vassy, a representative of his order at the Estates-General, maintained that the use of common land was an insufficient title-deed to property, and urged him to assert the right of seigneurs to seize such lands unless villagers could produce evidence of their claim within a stipulated period.[4]

[1] Colleville-sur-Orne, Courseulles, and Cabourg; Arch. Calv., C.247; F: Don de Savignac—baronnie de Courseulles; E. Suppl. 1428, CC1.

[2] Arch. Calv., 16B 6, reprinted in M. J. Mavidal and M. E. Laurent, *Archives Parlementaires* (1879), ii. 492–5.

[3] Sion, *Paysans*, p. 216.

[4] Letter from d'Auvray de Vanembras, 8 April 1789, in the papers of the Vassy family. Arch. Calv., E.

The peasantry believed that the enjoyment of rights of usage on the common lands since time immemorial was sufficient evidence of a right of property but the jurists were explicit enough on the point—their right of property was purely usufructuary and the onus of proof fell upon the parishes. The production of evidence that the seigneur had ceded land to them was, needless to say, a difficult thing to do and might involve them in a lawsuit which meant the raising of money by local taxes or loans, duly authorized by the intendant, and the outcome might not be worth the cost. Seigneurs were, therefore, able to exercise their rights of *triage* with impunity, and both the inquiry of the standing committee (*commission intermédiaire*) of the Provincial Assembly of Lower Normandy in 1788 into the condition of rural parishes, and the *cahiers de doléances* of 1789, contain evidence of their operations.[1] The economic and social stranglehold of the seigneur often silenced or, at least, muffled protest, but the victory of the third estate in the summer of 1789 released frustrations and recriminations. Thus, in the parish of Rots the Benedictines of the abbey of Saint-Étienne at Caen exercised their right of *triage* in 1757, employed a notary to draw up a deed of renunciation by the parish which had been ratified by the Parlement of Rouen, and the parish had been forced to clear the land. The parish was not in a position to resist because nearly all the inhabitants were tenants of the abbey and most of them were in debt to it and insolvent, and could not afford the cost of litigation. Again, in the parish of Quesnay the local seigneur had seized the common which he had cleared and put under cultivation; the parishioners were unable to go to law because he owned more than two-thirds of the parish, and so had to give way to him. It was only when the third estate converted itself into the national assembly that such parishes dared petition for the restitution of portions of the common which had been seized, for in the words of another petition to the National Convention

> it was a time when the humble inhabitants of the countryside cringed slavishly under the domination of these human leeches who, without fear, committed all sorts of usurpations at the expense of their unhappy vassals . . . The people consumed

[1] Chicheboville, Barbery, St. Georges-de-Pontchardon, Arch. Calv., C.7866, 16B 23 and 427.

their sorrow in secret; not daring to raise their voices, they saw themselves stripped of their goods. At that time their protests would have been considered an attack against feudal power.[1]

The seigneurs were not, however, always able to have their own way quite so easily; some parishes were by no means reluctant to go to law. In the parish of Acqueville, for example, the local seigneur had seized more than half of the common and had farmed it out, and a lawsuit was going on about it when the parish drew up its *cahier de doléances* early in 1789 in which the dispute was recorded.[2] Again, the inhabitants of Frénouville had rights of pasture on a marsh for which they paid to the seigneur one *boisseau* per animal sent to pasture there. The seigneur had tried to appropriate a large part of it as early as 1720 in order to convert it into arable, and to restrict the right of the village on the rest, but the *maîtrise des eaux et forêts* had entered judgement for the parishioners in 1749. The seigneur then appealed to the Parlement, and the lawsuit was still going on in 1786.[3] Resistance did not, however, always take place by such legal and orderly means; protest sometimes took a much less patient form. For example, there was a spirited clash in the fishing village of Courseulles in 1786; although the king's council had approved of a legal agreement to divide the commons drawn up between him and two of the parishioners, the officials of the *maîtrise des eaux et forêts* were unable to implement it on account of the demonstrations by the villagers, especially by the womenfolk 'some armed with shovels, and others with pitchforks . . . haranguing and swearing at both M. de Montbéliard and the officials of the *maîtrise*', according to the seigneur's account. A further attempt was backed by a *brigade de maréchaussée* and a picket of grenadiers from Caen, and the land was marked out at the end of 1787 but workmen were unable actually to enclose the seigneur's portion in the following May. The issue was still undecided at the end of the old régime except that, in the meantime, the parishioners had dug ditches around the marsh, and had even enclosed three oyster-beds and a house belonging to the seigneur.[4]

[1] Arch. Nat., D XIV, 13 (Rots), 12 (Quesnay); F^{10} 334 (Mondrainville).
[2] Arch. Calv., 16B 14.
[3] Arch. Calv., E. Suppl. 236, FF 1.
[4] Arch. Calv., F: *Don de Savignac—baronnie de Courseulles*; E. Suppl. 520 DD1; 521 DD2.

The application of this principle of the new agriculture, however, while uniting the peasantry in opposition to the seigneur's attempts to seize part or all the common lands, met with varying reactions from different types of peasants. The better-off peasant who produced for profit might well welcome a process which promised to add to the extent and output of his lands, although on the other hand, he would lose a good deal of pasture which was particularly valuable in an area already much given over to stock-raising, and also portions of common which he rented and which he alone used. Moreover, in the event of partition he would have to bear the larger share of local taxes which had hitherto been paid from the revenue derived by the parish from the renting of portions of the common. Peasants with little or no land were much more deeply attached to the commons for they were an indispensable adjunct to their holdings, especially since Normandy was a province in which enclosure was permitted by customary law and rights of common pasture were, therefore, restricted. They were 'the support of parishes when the land was tilled . . . the support of the poor man who can feed a cow on them in order to help his family to live';[1] they provided litter for stock, timber for outhouses, fuel for the kitchen. Tempting though the possibility of acquiring a parcel of land might be, such peasants were only too well aware of their lack of capital and labour to clear the land and to put it under cultivation.[2]

In the event of a parish deciding to break up its common land, the question arose whether the division should take place per head of household (*feu*) in the parish or in proportion to landholdings. From a strictly legal point of view, the latter method was the only valid one, on the grounds that an individual exercised common rights because he held land and not because he lived in the parish, and the jurisprudence of the Parlement of Rouen was quite definite about this point.[3] The better-off peasants had,

[1] *Cahier* of Saint-Quentin-la-Roche. Arch. Calv., 16B 223.

[2] As Necker himself recognized: 'An exemption from taxes for a certain number of years is not in general a sufficient encouragement to undertake the clearing of waste lands: the want of capital stops a great number of proprietors, sometimes the difficulty of borrowing money, and sometimes the high rate of interest are obstacles to the progress of cultivation.' J. Necker, *De l'administration des finances de France* (1785), ii. 123.

[3] Houard, *Dictionnaire analytique... de la coutume de Normandie* (Rouen, 1780), i, article on *communes*.

therefore, everything to gain from the process should it come about, and, as they were the ones usually dominating the parish assemblies, the parish *cahiers de doléances* generally put forward their point of view. The commons should be divided per head of peasant proprietors and not otherwise, asserted Le Breuil; given to the *laboureurs*, said Saint-Marie-outre-l'Eau; divided 'according to the dictates of reason and equity' said Gonneville-sur-Dives, no doubt meaning the same thing.[1]

The point of view of the smaller peasant, he who had little or no land, was only occasionally vocal enough to find expression in the *cahiers*, but it is to be heard in petitions submitted to the national assemblies of the Revolution which claimed division on a *per capita* basis. Even if the land were thus divided, however, the poorer peasant might not be able to make something out of his share for lack of means or of equipment, and his economic and social superiors could refuse him their co-operation. Moreover, it was sometimes the custom in a village that if a portion of the common were left untilled for three years, and its owner was absent from the parish, it would be seized; thus fatherless children who were insufficiently provided for and who had to look for work in other parishes, found their land appropriated by richer peasants.[2]

The new 'agrarian individualism', to use Marc Bloch's phrase, which sought to abolish the traditional collective obligations of common pasture and compulsory rotation of crops, had no real opposition to face in Lower Normandy which already by the middle of the eighteenth century had reached a stage very different from that attained by areas like the Île-de-France and Lorraine. Norman landowners had long been expressly permitted by the customary law of the province to enclose their lands.[3] Even the rights allowed on unenclosed land were severely restricted; arable was declared to be '*en defens*' at all times until the fruit harvest had been gathered; grassland from mid-March to

[1] Arch. Calv., 16B 42, 292, 494 respectively.

[2] Petition of the *procureur* of the commune of La-Ferrière-au-Doyen in the name of the poor, 24 vendémiaire year ii (15 October 1793), Arch. Nat., F^{10} 330.

[3] On this development from the sixteenth to the eighteenth centuries see M. Bloch, *Les caractères originaux de l'histoire rurale française*, rev. edn. (1952), pp. 210–13.

mid-September, after which common pasture (*droit de banon*) was exclusively restricted to those domiciled and farming land in the parish. The Parlement of Rouen had further ruled in 1743 that clover crops came under the same exemption as arable.[1] Common pasture was thus tolerated only if the farmer wished it, and in so far as it suited his interests. All he had to do in order to enclose his land was to plant a few branches and link them together with straw. If his prohibition of common pasture was not respected he could seize any stock he found and impound it. Then, after the last artificial crops had been harvested, the makeshift fence was dismantled and the animals of the village allowed to graze, and the land would profit thereby. Under these conditions the right of common pasture, far from being a burden to the farmer, was very much to his advantage. 'Enlightened' minds considered this to be in accordance with reason and natural law, as the *procureur-général* of the Parlement of Rouen clearly and blandly enunciated in 1766:

> Common pasture of any kind belongs to the landowners, and not to the poor, that is to say not to those who have no property . . . The real patrimony of these small occupiers who are all day-labourers are the wages which successful farming enables large farmers to pay for their labour, and which rise in proportion to plenty.[2]

To push the process still further, and effect the complete suppression of fallow and consequently of common pasture, however laudable from a strictly economic point of view, necessitated radical changes. It meant ruin for the small peasant, who could not afford either to buy seed for fodder crops, or a failure of the experiment. It also meant a rearrangement of strips, for no farmer could attempt to consolidate his fields and enclose them while his lands were entangled with those of the rest of the parish; it implied a general redistribution of a great deal of land by governmental legislation which presupposed a measure of agreement

[1] Houard, *op. cit.*, i. 151; iii. 403, 451; Guyot, *Répertoire de jurisprudence* (1784), ii. 140; H. Sée, 'Une enquête sur la vaine pâture et le droit de parcours à la fin du règne de Louis XV', *Revue du dix-huitième siècle*, i (1913), 265–78; O. de Colombel, 'La vaine pâture en Normandie', *Normannia*, xi (1938), 91–107.

[2] Arch. Nat., H.1486.

among a large number of landowners. It would have meant a violent change in French rural life as it then existed.

One further aspect of the new agriculture remains to be considered. Writers on French agriculture during the second half of the eighteenth century, particularly after 1770, were much preoccupied with the desirability of an increase of stock-raising.[1] The farmer in Lower Normandy, however, had no need to wait for the promptings of the agronomists to encourage him to do what nature already invited him to do. Both the soil and the climate had made it an area rich in pasturage; apart from the limestone plains of Caen and Falaise, its soil is impermeable, its climate is constantly humid, and hence grass grows rapidly and vigorously. The farmer had thus been encouraged to enclose his pasture to feed stock on it, and to plant it with apple-trees for the production of cider and the fiery cider brandy which now bears the name of the *département*. He had persevered in this in spite of difficulties, and by the eighteenth century there was clearly discernible a general tendency in the *pays d'Auge* and the Bessin to abandon arable for pasture farming, and thus secure the richer profits offered by the livestock trade, although the poor state of communications with the rest of France still made it necessary to grow cereals for subsistence. In the *pays d'Auge* the process of conversion from arable to grass had certainly been going on since the first half of the seventeenth century, and the eighteenth century saw still further progress.[2] The comments of the tax inspectors of the *vingtièmes* invariably drew attention to the insufficiency of grain on account of the conversion, while the *curés* of the region drew the king's attention to the rapidity of the process in 1777.[3] The transformation was also affecting the Bessin although it had not gone so far there.[4]

[1] A. J. Bourde, *Infl. of Eng. on Fren. Agronomes*, p. 127.

[2] Arch. Calv., G.119; Basnage, *Commentaires sur la coutume de Normandie...*, 3rd edn. (Rouen, 1709), i. 24; Y. Nédélec, *Le diocèse de Lisieux au xviii^e siècle* (unpublished dissertation at the *École des Chartes*, 1954), pp. 93–4.

[3] Arch. Calv., C.7003–7578; Arch. Nat., G.622.

[4] Arch. Nat., F^10 170, F^10 325. Examination of leases suggests that one of the restrictive factors was the reluctance of proprietors who also owned tithes to accept payment in money rather than in kind. F. Duterque, 'Modes d'exploitation et d'amélioration du sol dans la région de Bayeux au xviii^e siècle', *Actes du quatre-vingt-unième congrès national des sociétés savantes 1956: section d'histoire moderne et contemporaine* (1956), pp. 171–83.

The increased pasturage was used partly to raise cattle but chiefly to fatten lean cattle which dealers bought in the neighbouring provinces of Maine, Anjou, Poitou and Brittany, and subsequently sold in about seven months' time to dealers from Caen, Rouen and Paris either directly in the well-known fairs at Guibray and Poissy, or indirectly via the markets of Neuborg, Routout and Beaumont.[1] The continuous rise of the price of meat during the 1770's and 1780's, a time when the price of grain fell, made stock-farming a sector of agricultural life that was sheltered from the agricultural depression, at least until the fodder shortage of 1785,[2] and encouraged the conversion. In one village near Lisieux, for example, most of the big landowners had turned one-half and even three-quarters of their land to grass, arguing that meat and dairy products were as essential as grain.[3] The consequences were twofold: firstly, it meant increased dependence upon other regions for grain, and especially on the adjoining plains of Caen and Falaise; secondly, since livestock farming needs much less manpower than arable farming, it meant a reduction in the demand for manual labour at a time when the ranks of the agricultural workers were being swelled by the demographic expansion. Those who held land had a good source of profit, and hence the silence of the *cahiers de doléances* about the conversion except for their opposition to the continued levying of the tithe on land which had formerly been arable: no doubt those who drew them up were people actively engaged in the process and profiting from it. Indeed, there is even occasionally an explicit demand that all landowners should be allowed to convert at least a quarter of their land into pasture without having to pay the tithe upon it.[4] The point of view of poorer peasants and farm labourers is expressed more clearly in the petitions sent to the agricultural committee of the Convention in 1793, 1794, and

[1] Tax-rolls of the *vingtièmes*, *loc. cit.*; Arch. Nat. F[10] 170; J. Vidalenc, 'L'approvisionement de Paris en viande sous l'ancien régime', *Revue d'histoire économique et sociale*, xxx (1952), 116–32; R. Jouanne, 'Le prix des bœufs en Basse-Normandie au milieu du xviii[e] siècle', *Bulletin de la société historique et archéologique de l'Orne*, 1932, pp. xl–lv.

[2] C. E. Labrousse, *Esquisse du mouvement des prix et des revenus en France au xviii[e] siècle* (1933); *La crise de l'économie française à la fin de l'ancien régime* (1944).

[3] Petition of La Vespière 13 pluviôse year ii (1 February 1794), Arch. Nat., F[10] 285.

[4] Arch. Calv., 16B 302.

1795 when the shortage of grain supply became really acute. These petitions denounced the innovators in no uncertain terms for allowing their 'criminal greed to prevail over their humanity', for being 'much more concerned about increasing their revenue than with considering whether their activities are in any way harmful to their fellow-citizens'.[1]

These aspects of the agrarian life of Lower Normandy between 1750 and 1789 show an important stage of transition to the private enterprise which was one of the liberties won by the revolution of 1789. As yet, immediate and complete success of the new agricultural methods was not possible on account of the complexity of the agrarian system and the interests involved. Nevertheless, there was a strong and determined thrust towards full freedom of ownership and cultivation, and the casting off of all traditional restraints. United the peasantry might have been in resisting the unequal burden imposed by the royal fisc, and the exactions of the seigneurs, but on the issues raised by the new agriculture it was divided by tensions, fears, and suspicions. The aspirations towards full agrarian freedom expressed themselves still more forcefully from the beginning of the Revolution, for they were very much a part of the prevailing opposition to the past, confidence in the virtues of progress, and exaltation of individual freedom. But this is to embark on another theme, and one which awaits further investigation.

[1] Petitions of Lefel, constitutional priest of Equemeauville 22 September 1793; commune of La Vespière 13 pluviôse year ii (1 February 1794); commune of Bienfaite 7 January 1794, Arch. Nat., F^{10} 212B, 285, 331, respectively. The administrators of the *département* to the Council of Five Hundred, 23 frimaire year iv (14 December 1795).

PRESIDENTIAL ADDRESS

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GREAT HISTORICAL ENTERPRISES
I. THE BOLLANDISTS

ON several occasions during the last twenty or thirty years students of the past have had their attention directed to the seventeenth century by historians of science and of scholarship. We have been told that we shall find there the authentic beginnings of the modern world, and that in that age reliance on the traditions and books of the past gives way to experiment, to analysis and to criticism. In the realm of history, there is a shift from the classical, literary traditions to the original sources and to official records, while the historical writings of the past are subjected to the new technique which for a hundred years had been applied to the literary masterpieces of the ancient world by a succession of great scholars from Valla and Erasmus to Scaliger and Casaubon. Certainly, in many ways the seventeenth century is more significant in the annals of historiography than is the century that followed. In England it is the age of Dodsworth, Dugdale, Twysden, Wharton, Wanley and Hearne. In France, it is the age of D'Achéry, Labbé, Ducange and the Maurists. In the part of the Netherlands that is now Belgium it is the age of the first Bollandists.[1]

[1] I am indebted to Père Paul Grosjean, S.J., for his kindness in reading this paper in typescript and suggesting many emendations.

There is no full-scale history of the Bollandists. There are several authoritative articles in encyclopedias, &c., of which the best are perhaps those by Ch. De Smedt in the *Catholic Encyclopedia* (1907) and A. de Bil in the *Dictionnaire d'histoire et de géographie ecclésiastiques* (1937). To these may be added the section on the Bollandists in R. Aigrain, *L'Hagiographie* (Paris, 1953), pp. 329–50, which is largely a précis of Delehaye's account (below). The reader who wishes for an approach which is at once broader and more intimate will find it in three historical essays by modern Bollandists: *A travers trois siècles: L'Œuvre des Bollandistes, 1615–1915*, by H. Delehaye

For the moment it is with these last alone that we are concerned. They take pride of place for two good reasons. Theirs was the first great enterprise of co-operative scholarship in the modern world; and theirs is the only enterprise of the seventeenth century which still continues in active function. What is more remarkable, in all essentials both of spirit and of outward form it still remains a recognizable descendant of its first parents. It still remains, what it always has been, a small unofficial group of Jesuits of the territories roughly coincident with modern Belgium,[1] living together in a single establishment for years or for life, devoted solely to the collection and publication of the original sources for the lives of the saints. How did this group arise, and how continue?

The begetter of the idea, though not of the institute, was Héribert Roswey or, as he is usually called, Rosweyde, a native of Utrecht (1569–1629).[2] As a young Jesuit professor of philo-

(Brussels, 1920); *L'Œuvre des Bollandistes* (Mémoires de l'Académie Royale de Belgique, Classe des Lettres, tome xxxix, fascicule 4, 1942), by P. Peeters, and the same writer's 'Après un siècle (1837–1937)' in *Analecta Bollandiana*, lv, pp. iv–xliv. To these should be added, for Bollandists of the past, the memoirs published from time to time in the *Acta Sanctorum*, and articles in *Biographie Nationale* by A. Poncelet, H. Delehaye and others; and for more recent personalities the biographical sketches by P. Peeters, reprinted from the *Analecta* in *Figures Bollandiennes contemporaines* (*sc.* Ch. De Smedt, A. Poncelet, J. Van den Gheyn, F. Van Ortroy and H. Delehaye), published in Brussels, 1948, and the same writer's 'Notice sur la vie et les travaux du R. P. H. Delehaye' in *Annuaire de l'Académie Royale de Belgique* (1943). Finally, there is the memoir of P. Peeters himself by P. Devos in *Analecta Bollandiana*, lxix (1951), pp. i–xlvii. All the above sources, it will be noted, are works by the Bollandists themselves, or are based upon these, as is likewise the present paper. Indeed, no scholar from outside the house could have access to the essential records and papers. It will, however, be appreciated that a domestic history, however scholarly and candid, cannot be expected to see Bollandism as it appears *ab extra* and in the round.

[1] An absolutely accurate statement would be more complicated. From 1612 to 1773 there were two Belgian provinces, *Flandro-Belgica* and *Gallo-Belgica*, covering an area greater than modern Belgium, and the Bollandists were recruited from the former of these. From 1832 to 1929 modern Belgium (with Luxembourg) formed a single province, which in 1929 was divided into two, northern and southern, both of which now supply recruits.

[2] For Rosweyde, see Ch. De Smedt, 'Les fondateurs du Bollandisme', in *Mélanges Godefroid Kurth*, i. 295–9, and A. Poncelet in *Biographie Nationale*, xx, col. 170–8. For the religious background see A. Poncelet, *Histoire de la Compagnie de Jésus dans les Pays-Bas* (Brussels, 1928). Rosweyde also pub-

sophy Rosweyde had occupied his leisure in examining and copying manuscripts in the ancient abbeys of Flanders. Among these were many lives of the saints, ancient and medieval. Rosweyde was familiar with the collections of saints' lives current from medieval times and augmented and republished since the Renaissance; in these, and in the separate lives of individuals, the historical figure, the human personality, was lost beneath layers of legend and rhetoric, or diluted to insipidity by imagination and error. Rosweyde conceived the idea of collecting all the authentic documents, to be criticized and explained with the technique of scholarship recently applied so successfully to Sophocles and Sallust. He was a practical man; he roughed out a prospectus for eighteen volumes in 1607 and sent it to a number of scholars and ecclesiastical authorities. Among those whom he approached was the great luminary of his own order, the illustrious theologian and controversialist, now himself among the saints, Cardinal Robert Bellarmine. Bellarmine, though personally familiar with laborious days, had no illusions, and came out flat against the scheme; not only was it impracticable, but those old lives of the saints, incredible and often ridiculous as they were, would be much better left unpublished. Others, however, were less discouraging. Rosweyde's own provincial, and an official representative of the general Aquaviva, gave him their blessing, and he found a faithful patron in the Benedictine abbot of Liessies, third successor of the saintly Blosius, Louis de Blois. In later years the Bollandists showed their gratitude by including a life of the uncanonized Blosius in the January *Acta*; they had also the satisfaction of heaping coals of fire on another head when Bellarmine joined the ranks of the *beati*. Meanwhile Rosweyde, not content with a prospectus, provided posterity with two strangely apt samples of the kind of thing he wished to see done: the first (1613) an edition of the Roman Martyrology, followed by one of the *Vetus Romanum*; the second (1615) an edition of the *Vitae Patrum*, the lives and sayings of the Fathers of the Desert. In the first he drove hard under full sail at a reef-strown passage which his followers were to be three centuries in charting; in the other he gave them not only a priceless indication of method but also a legacy of the purest spiritual tradition, which his contemporaries

lished a series of Lives of the Saints for each day of the year, translated into Flemish.

took to themselves in a book which was a classic from the first and has proved its worth even in our own days.[1] Then, after a shower of other publications, Rosweyde gave his final lesson to posterity by dying a *martyr caritatis* in 1629 of a disease contracted at the bedside of a dying penitent.

Rosweyde left behind him the memory of a good life, a large collection of transcripts, a great book, and a germinal idea. Before accepting a total abandonment of his familiar project, the superiors of his order decided to send an energetic young man to sift his literary remains. The young man's name was John Bolland (1596–1655);[2] he was a native of the modern province of Liège, and the family house in which he was born was to be seen till 1914, when it disappeared when the village was burnt by the German army. Bolland reported that if the papers were collected and worked over, Rosweyde's scheme could be executed without undue delay, though not without considerable labour. He also gave it to be understood that if the toil were imposed upon him he would not seek to avoid it. The provincial of Flandro-Belgica accepted both the report and the offer; Bolland was appointed confessor and spiritual director of the house of professed Jesuits at Antwerp with the commission to execute Rosweyde's plan in his hours of leisure. He himself, always methodical, there and then laid his plans for his own further studies in other equally important subjects when he should have accomplished his task. 'Fortunately,' Papebroch was to remark, 'neither Bolland nor Father Provincial had the faintest idea of what they had undertaken to do.' As a modern Bollandist has put it, they crossed the Rubicon without noticing that it was there.

Once at work, Bolland found both that Rosweyde's plan must be extended, and that the material both old and new was more copious than he had realized. Without help or funds he would die on the task. Funds were supplied by the same abbot who had helped Rosweyde; a helper was to hand in an old pupil of Bolland, Godefroid Henskens or, as he was called, Henschenius (1601–81).[3] It was an ideal combination. Both were men of

[1] As, for example, in the extracts so felicitously translated by Miss Helen Waddell in *The Desert Fathers* (1936).

[2] A memoir, *De vita, operibus et virtutibus Joannis Bollandi*, by D. Papebroch, is in *Acta SS.*, tom. I Martii.

[3] Papebroch contributed a memoir of Henskens in *Acta SS.*, t. VII Maii.

brazen sinews capable of prodigies of industry and endurance; both were excellent scholars of the type produced all over Europe by the new model of the great Jesuit educators; Bolland had no fear of responsibilities and decisions, while Henskens was loyalty and modesty personified. If Bolland was the founder of the *Acta Sanctorum* Henskens was the first Bollandist. It was he who transformed a partnership into a society, an undertaking into a living tradition; he handed on to the next generation an *esprit de corps*, or rather what we should call a family spirit.

Eight years after the arrival of Henskens the first volumes appeared, 2,500 folio pages, containing the lives of saints whose memory received liturgical commemoration in the month of January. Before continuing the history of the project we may pause a moment to consider its nature and design.

This is not the place to discuss the value, or the interest to the world, of hagiography in general. It is more appropriate to remark that it would be hard to think of any field of critical or historical research that could prove more fruitful in every kind of problem, or one in which a greater variety of skills and disciplines could be employed. The well-documented lives of the eminent saints of modern and medieval times are possibly no more difficult to present in authentic form than are those of other celebrities, though a brief study of the complex critical questions surrounding the early lives of St. Francis of Assisi in the thirteenth century or the autobiography of St. Thérèse of Lisieux in our own day might make us chary of being too certain about this. 'Straight' lives, however, are only a fragment of the mass. What is a saint? Who were saints? What are the tests for sifting out bogus, ghost and bilocating saints? What acid tests are to be applied to Charlemagne, a place-name, or a consul who have all arrived at some kind of liturgical commemoration? The hagiographer is plunged at once into the nightmare of early medieval diplomatic and forgery, into all the tangled chronological difficulties of the *fasti* of half the sees of Europe, into the labyrinthine ways of martyrologies, necrologies and calendars, into the linguistic, social and psychological varieties of Christian sentiment —Greek, Persian, Egyptian, Syrian, Slav and Oriental, into the magical mists and colours of the Celtic wonderland, and into the changes and translations that lapse of centuries and popular devotion can bring about in a matter that is of its nature peculiarly

dependent upon personal knowledge and popular acclaim. If we add to all this the theological background and the judgement of credibility, possibility and moral and spiritual sanity inseparable from the subject-matter—the *ex-hypothesi* acceptance that the historian is often dealing with a personality which is in some or many ways abnormal or supra-normal or both—we shall begin to realize that the sober and laborious Jean Bolland need not have feared that he would lack for mental occupation in his old age.

To the intrinsic difficulties of the subject-matter were added the difficulties inseparable from the plan adopted. Rosweyde had assumed, and Bolland had accepted, a treatment according to the order of the calendar: that is, the hagiographers were to work through the liturgical year dealing with the saints commemorated on each day, whether now or in the past, by at least one of the churches or institutes of Christendom. Once granted that the work was to be more than a summary of existing knowledge the difficulties of this arrangement become only too obvious. Every week, almost every day, saints are commemorated from almost every age and region; the hagiographer must be a polymath. On the other hand, saints closely associated in life (St. Francis and St. Clare, another St. Francis and St. Jane Frances de Chantal), saints of the same order (St. Stephen Harding and St. Bernard), saints of the same city (St. Augustine of Canterbury and his immediate successors), are often separated by half the calendar year. The hagiographer must again and again leave unexploited a field which he has mastered, and which another a generation later must bring again laboriously under cultivation.[1] Yet it is difficult to see what other arrangement could have been made. Any chronological or alphabetic arrangement, besides being equally artificial, would from the start have postponed indefinitely any kind of publication with a general appeal; it would moreover have entailed, even in the seventeenth century, an incalculable amount of preparatory work with nothing to show for it. All existing lists of saints ancient and modern were tied to the calendar, and liturgical commemoration was the ultimate touchstone of acceptance for all saints living before the standardization in the twelfth century of the canonical process of canonization.

[1] In the most recent volumes, more than a hundred names appear each day among those *praetermissi et in alios dies relati.*

The calendar therefore was, and is, the Bollandist framework, but it had its limitations and drawbacks. Bolland can be forgiven for failing to realize that his text of the life of Ailred would prove susceptible of considerable improvement three centuries later, or that those who first read that improved text would have all passed away long before the name of St. Thomas of Canterbury was reached, but even Bolland must sometimes have conceived what must be the unspoken wish of every good Bollandist—that the reigning pontiff would put a moratorium of indefinite length upon all processes of canonization.

In any case the distant future was hidden from Bolland and Henskens, and after fifteen further years of labour the saints of February appeared in three volumes in 1658. They were received with universal applause, and Bolland was rewarded by an invitation to Rome from Pope Alexander VII. The journey was too much for his physical powers; it had however been clear for some time that before more volumes were published an extensive combing of the libraries of Europe was a necessity, and Bolland decided to despatch his colleague on a quest for manuscripts that should include Rome as a port of call; as a companion he sent with him the promising son of parents who had long been among his penitents at Antwerp, and in whom the ageing scholar had long seen the child of his desire. In 1659 the mature young Daniel Van Papenbroeck (1628–1714) had been assigned to the *Acta Sanctorum*.[1]

If Henschenius was the first Bollandist, Papebroch was to be for all time the type and finest flower of the genus. To a native capacity for fine scholarship and remorseless industry, to a frank, humble and kindly nature, he had added a solid piety and a conviction of conscience that his work was worthy of his uttermost effort, and should absorb all his energies. He was in addition a man of wide views, with his fair share of the good fortune that so often seems to accompany genius; the document he wanted seemed to lie under the first stone he turned. Finally—and this is perhaps the specific difference of a Bollandist among scholars—he saw historic truth as a Dominican sees theological truth, as a reflection of Truth itself perceptible by the intellect, and as something to be freed from and defended against every attempt to

[1] For Papebroch, see the memoir in *Acta SS.*, t. VI Junii, and H. Delehaye in *Biographie Nationale*, xvi.

cloud or to confuse it. He never confused the accidental with the essential, and he had a clear and persuasive gift of exposition.

Henskens and Papebroch left Antwerp at the end of July 1660 on what was the first of the *voyages littéraires* which twenty years later were to have their culmination in the celebrated pilgrimages of Mabillon in 1685 and Martène a little later. Papebroch, like others engaged upon the Grand Tour, kept a careful diary. They were absent for two years and five months, during which they perambulated South Germany, the Austrian Tyrol, Italy from Trent to Naples, and the length of France. Twelve months or more were spent in two long sojourns in Rome, where Alexander VII did all he could to open stiff doors and persuade or compel surly librarians and jealous *dilettanti* to uncover their treasures. The two Jesuits were not without funds and were able everywhere to set copyists at work; they returned with 1,400 lives of saints and for several years their scribes continued to add to the number. The voyage, besides providing countless new friends and subscribers, had an important consequence for the *Acta*; the travellers realized that Greek lives must be included in their programme, and when the March volumes appeared there were for the first time columns of Greek type. Journeys of this kind were repeated during the next fifty years, but even more valuable was the help given by friends and confrères in the Jesuit houses up and down Europe, which acted as factories to supply the raw material for the workshop at Antwerp.

Not long after the return of the travellers the venerable founder of the work died at the age of sixty-nine (1665). His death was followed after a short interval by that of Henskens with a tale (more seemly for a Bollandist) of eighty-one years (1681). He had assisted in the production of twenty-four volumes, some of them posthumous; it was a record which even Papebroch failed to break and one which, it may be confidently asserted, will remain unbroken to the end of time, whether or not the *Acta* are still in progress at that moment. After the death of Bolland the little group had adopted the unwritten constitution that still governs the work: labour completely in common regulated by free discussion; decisions taken together according to the traditional customs of the house; no leader or superior, but the senior in years for the time being acting as *primus inter pares*. The actual

workshop, which had for Bolland lain in an attic of the college, came to be the library, the Museum Bollandianum with its fabled cupboard of 365 drawers,[1] though later each of the collaborators had a study of his own.

With the death of Henschenius there began the long and irregular succession of new arrivals in the Museum. Some proved unfit or unwilling; some died young, carried off by consumption or, like Rosweyde, victims to their priestly charity in times of plague. One or two in each generation rose above the others to give a character to the work. The fifty-four years in which Papebroch was active were in some ways the richest period of all the pre-Revolutionary era, and competent judges have pronounced the eighteen-odd volumes to which he contributed to be the most important of the series; they were those of March, April, May and early June. In the course of his researches he had encountered wraiths and monsters as varied and hideous as ever confronted Beowulf. Some were in full vigour, others already mortally wounded by earlier knights-errant, and others again mere twittering shades. The Acts of St. Silvester, the missionary journey of Lazarus and the three Marys, Denys the Areopagite in his various avatars and with his portable head; the dragons of St. George and St. Theodore, St. Luke's portraits of Our Lady —these are only a few samples of the apparitions that whiffled through the thickets of hagiology. Papebroch was no sceptic, no Hardouin; nor did he, as did that lamented Bollandist *in partibus*, Herbert Thurston, seem to take an impish delight in shocking the devotee, but he had no mercy for what he proved false by legitimate criticism, and he did not hold that a historical or critical argument could never be more than a probable one, or that a false or superstitious tradition, however venerable or harmless, should be allowed to pass as authentic. In the sequel, Papebroch did not escape attacks, and in the storm that followed, the *Acta Sanctorum* came near foundering. The turn of the seventeenth century was a time of peculiarly acrid controversy in ecclesiastical circles. Jansenism, Probabilism, Quietism and Gallicanism were embittering the waters, and the papacy was in a delicate position with regard both to France and to Spain. Bayle and Fontenelle were inaugurating the age of reason and enlightenment. The

[1] February has only twenty-eight days in the Roman calendar followed by the Bollandists.

Jesuits had many enemies, who would not rest till they had the Society on the ground.

The specific *casus belli* was the treatment by the Bollandists of the origins of the Carmelite order.[1] According to their own story, the white friars derived ultimately from the disciples of the prophet Elijah, whose successors on Carmel at the dawn of the Christian era had been the first clients of the Blessed Virgin. Papebroch, in his treatment of St. Berthold in March and of St. Albert of Jerusalem in April, duly recorded the lack of historical evidence for this tradition. The Carmelites took offence, and for some twenty years continued their attacks upon the Bollandists. Finally, the *Acta* of March, April and May were denounced secretly to the Spanish Inquisition, who proceeded to condemn them as erroneous, heretical, offensive to pious ears and schismatical. Shortly afterwards, a similar condemnation was solicited in Rome by the Belgian provincial of the Carmelites, who drew up a comprehensive catalogue of the hoary legends that had received their *coup de grâce* in the *Acta*, and demanded satisfaction from Pope Innocent XII. This request met with a very modified success. The pope himself was unmoved, but the political situation made a collision with Spain inadvisable, and the enemies of Papebroch succeeded in persuading the responsible official to put the introductory volume of May, which contained some sharp words about papal elections of the past, upon the Roman Index, where it remained until the days of Leo XIII. Meanwhile the Bollandists were active in self-defence both in Spain and Rome. In the former country, where Jesuit influence was strong, they succeeded after twenty years (1715) in obtaining a complete reversal of the censure of the Inquisition. At Rome, where they enjoyed the personal friendship of successive popes, their cause was ably defended by one of their number, Janninck,[2] and they were never in serious danger. Papebroch, who had not unnaturally been deeply moved by the attack upon his work and still more by the slur upon his orthodoxy, appealed personally and solemnly to the pope for redress, but he died before full justice was done to his name. The enemies who had hoped to

[1] This episode in particular would clearly demand much careful and critical research before the whole story could be put fairly in its contemporary setting.

[2] Memoir in *Acta SS.*, t. III Julii.

strangle the *Acta* were disappointed in their hopes, but they had at least achieved the unfortunate result of slowing down the Bollandists for almost twenty years, while they defended themselves and their methods, and of making the next generation, which had no Papebroch to set the tone, less outspoken and often somewhat ambivalent in their conclusions.

Papebroch died in 1714 in his eighty-seventh year. He has rightly been considered by subsequent generations of Bollandists as the mightiest of their line, carrying up to an eminent degree the industry, the intellectual honesty, the modesty and the piety of his tribe, and adding to it the touch of genius that makes him the peer of his greatest contemporaries such as Mabillon, Ducange, Grotius, Leibniz and Bentley. No successor appeared to wear his mantle. The leader of the group for twenty years after his death was Du Sollier,[1] a scholar of parts and an able administrator; he retired in 1736 and died four years later, having produced an excellent edition of the martyrology of Usuard, and put both the domestic arrangements and the typography of the *Acta* into better trim. He had in full measure the methodical industry of the house; he always took copies with his own hands of his manuscript letters; at his death more than 12,000 of these were found among his papers.

Du Sollier was succeeded by Jean Stiltingh (1703–62), the most distinguished scholar between Papebroch and the Revolution.[2] Stiltingh was a versatile and unusually rapid worker, with a capacity for copious yet orderly composition. This phase of the *Acta* is distinguished by the long historical commentaries preceding the documents; this was a fashion to which impetus had been given in the July and August volumes by the occurrence of St. Ignatius Loyola and St. Bernard of Clairvaux. In his day—and it was the day of *philosophes* and *encyclopédistes*—Stiltingh acquired a reputation every whit as great as that of Papebroch, but in his hands the commentary, which has inevitably aged with the passage of time, showed an unfortunate tendency to increase beyond bounds. Though dying at an age which even then was young for a Bollandist, he filled the best part of ten volumes of the *Acta* with what a Bollandist of our own day has called his

[1] Memoir in *Acta SS.*, t. V Augusti; it is by Stiltingh.
[2] Memoir in *Acta SS.*, t. VI Augusti.

inexhaustible flood of learned improvisation.[1] Stiltingh's was the last great name under the *ancien régime*. He was followed as doyen by Constantine Suyskens[2] (1714–71), a scholar of the second rank, but one whom all *franciscanisants* will remember for his *editio princeps* of the *Legend of the Three Companions*. The last senior was De Bye, not unworthy of his place, whose fate it was to fight for long years to save a doomed vessel.

The suppression of the Society of Jesus was the end of a long process of struggle and intrigue. When the blow fell in 1773 there were some who hoped to preserve the library and even the work of the Bollandists, while others looked forward only to acquiring their books. In the midst of plots and proposals the four remaining scholars continued their work, and volume IV of October appeared in 1780; from the title-page the letters S.J. were significantly missing. Meanwhile the remaining Bollandists had been transferred bag and baggage to the abbey of Caudenberg, within the walls of Brussels, which an Austrian governmental plan had designed as residuary legatee of the work. This abbey in its turn was suppressed by Joseph II, not before the unconquerable ship's company had sent volume V to press. Two years later a decree of government went forth that work on the *Acta* should come to an end, and the official mind had the graceful thought of fixing the date of demise for 1 November. Even this did not crush De Bye, and he was assisted by an endeavour on the part of the French Maurists to buy up the library and the literary rights. This aroused national jealousy in Belgium, and a scheme was set on foot to transfer proprietary rights to the Premonstratensian abbey of Tongerloo; the deal was carried through in August of the fateful year 1789. Two of the ex-Jesuits were still alive and able to act as instructors, and despite the outbreak of the Revolution, with all its repercussions in the Low Countries, and incredible as it may seem, volume VI of October was duly printed at Tongerloo in 1794. That was the end. In the same year the armies of the Convention flooded across Belgium bringing the Republic. A few books and papers were evacuated to Germany; others were hidden or perished. Bollandism, firing its cannon till the ports were flooded, went down at last.

During the forty years that followed various schemes, some

[1] 'Le flot intarissable de son improvisation érudite', Peeters, *L'Œuvre des Bollandistes*, p. 46.

[2] Memoir in *Acta SS.*, t. IV Octobris.

sinister, some burlesque, were devised both for salvaging the *Acta* and, alternatively, for picking up any of the cargo of the wreck that might have been washed up by the storms of the time. In the Europe established by the Congress of Vienna an independent Belgium had its place from 1830 onwards, and the decades after Waterloo saw a religious reaction throughout what had been the Napoleonic Empire. In 1814 the Society of Jesus was revived by Pius VII and a Belgian province was established in 1832. The work of reconstruction however was so vast that there was little occasion or inclination to exhume Bollandism, though parts of the old library and papers turned up here and there and some found their way into the Bibliothèque de Bourgogne, now the Royal Library at Brussels. In the event, the resurrection was due to a curious chance. A queer and incompetent society was founded in Paris for the purpose of hagiography, and negotiations were opened with the Belgian government to acquire the goodwill and some of the relics of the *Acta*. Once again patriotic susceptibilities were aroused, and the influential and far-sighted Rector of the University of Louvain, Mgr. de Ram, headed a petition that Bollandism should be revived and entrusted to the Belgian Jesuits. In 1837 a scratch team of three (later four) was installed in the Jesuit college at Brussels with a small government subvention, a few books, and some library privileges, but without the tools and the still more precious traditions that their predecessors had accumulated. It is a striking witness to the strength of Flemish fibre and to the vitality of the ghost of Bollandism that from 1845 onwards the remaining October volumes of the *Acta* began to appear at short intervals. It is not surprising that they should on the whole have fallen short of the old standards; a group of inexperienced scholars had been set to produce the goods, and they did their best to oblige; the learned world of history, which in the 1840's was, save in Germany, largely a world of literary men, welcomed the revival. The difficulty was to find the men. Some withdrew; others, such as Antoine Tinnebroek and Edouard Carpentier,[1] died long before their time. The situation was saved by the emergence of a volcanic genius, Victor De Buck (1817–76).[2] De Buck was a man of

[1] For these see Peeters, 'Après un siècle', pp. xxiii, xxviii.

[2] For him, see article by P. V. Baesten in *Précis historiques*, xxv (1876), 389–410.

intense vitality and versatility, endowed with a memory which Macaulay might have admired and a fearless rapidity of judgement. Despite the ceaseless, if not breathless, activity of the early years of the revival, he had amused himself by reading and annotating the existing 53 folios of the *Acta*. He had all Papebroch's courage and integrity, and if he lacked the master's maturity and poise he had a mind capable of intuitions and flashes of light that put him among the great. One of his achievements was to recognize that the so-called martyrology of St. Jerome was a mosaic of calendars; another was his demolition of the current opinion, too often translated into liturgical practice, that the presence of a red-stained ampulla near a burial niche in the catacombs was a proof of martyrdom. This piece of criticism bade fair to win for De Buck a share in the fate as well as in the renown of Papebroch. His memoir had been a confidential one for the attention of authority, but there was a leak, and the author was indignantly attacked as an interested and insincere sceptic. De Buck made no attempt at a public defence in which he might have pressed home his point; this was nevertheless silently taken by the Roman authorities and has never since been questioned. Unlike the Bollandists of the past, De Buck was something of a celebrity in the Europe of the sixties. He was the friend of Dupanloup and Montalembert, and corresponded with the leaders of the Oxford movement and of the Orthodox party of reunion; he had his full share of the last infirmity of noble minds in Belgium—the conviction that he could understand the illogical English. In 1869–70 he was chosen by his general to serve as his theologian at the Vatican Council. De Buck worked upon the *Acta* for twenty-six years, and though never doyen of the group was in fact its heart and its motive power. In the words of Père Peeters, though he was not a typical leader of men his impetuous onset carried all before it and compelled the irresolute to take some kind of action, if only to save their skins. His last years, like those of Papebroch, were spent in blindness and malady.

De Buck's death in 1876 left Bollandism once more in danger. There was no master to take his place, and no firm tradition or settled policy had as yet been established. The methods of the past were being rapidly outmoded by the new critical school of Germany, while the editors of the *Monumenta Germaniae Historica* and the ex-pupils of the *École des Chartes* were setting a

wholly new standard of excellence in the publication and criticism of medieval texts. The thirteenth and last volume of October, which appeared some six years after De Buck's death in 1883, has been condemned as the poorest in the whole collection. The names on its title-page were all of men no longer living, and readers may well have thought that the enterprise had come to an end.

Already, however, the situation had been restored once more by the advent of a man of genius. This was Charles De Smedt (1831–1911), who was destined, though no longer young, to be for thirty-five years the *genius loci* and to effect a new creation, the Bollandism of our own time. De Smedt, though only thirty-odd years junior to De Buck, belonged altogether to the new world, the scientific and critical world of the nineteenth century. He realized that hagiography could no longer be a hit-or-miss affair, the work of industrious compilers and amateur historians illuminated by the occasional appearance of genius. The Bollandist must be a scholar trained in the new skills, disposing of all the new technical aids, and making for himself all the tools needful for his speciality. He must work to a plan wider than the needs of the next volume, a plan that should embrace every possible sphere and department of hagiography. Under De Smedt's guidance a whole series of reforms and new ventures was inaugurated. Texts were to be presented in accordance with the demands of modern criticism, after a complete assembly and classification of manuscripts, and with a full *apparatus criticus* that would satisfy the philologist as well as the higher critic. As a necessary preparation for this, lists were to be compiled of all hagiographical manuscripts in the libraries of the world, and catalogues established of all books, monographs and articles of a hagiographical character. Such departments of history as the Byzantine, Syriac, Slav and Celtic were to be assigned to individuals for intensive study. To encourage research and publication, to invite criticism and to guard against the Bollandists becoming scholars of the squirrel family, endlessly heaping up documents which might or might not be used by their distant successors, if not previously published by other scholars, a periodical, *Analecta Bollandiana*, was started in 1882 for the printing of texts and studies over the whole calendar of saints. This particular project rapidly proliferated. From being little more than an appendage of the *Acta*, and

written in Latin, it took the shape of a modern review. Notices of books began to appear, and later a periodical review of all literature dealing with the saints.

De Smedt had the good fortune to be joined by a succession of men who in their varied abilities rivalled the giants of the past. There was Albert Poncelet (1861–1912), a brilliant, tireless and methodical worker with a special interest in early medieval history; he was for many years the soul of the *Analecta*. There was François Van Ortroy (1854–1917), one of the most attractive figures of Bollandist history, impulsive, warm-hearted, witty, downright, with a face and figure worthy of the pencil of a Hogarth or a Caran d'Ache. Destined to compile the biography of St. Carlo Borromeo, he spent years in Italy where he won the friendship of a living saint (the Milanese professor, Blessed Contardo Ferrini) and of a future pope (Pius XI), and was diverted to an interest in his patron of Assisi, recently popularized by Renan and Sabatier. Finally, and greatest of all, there was Hippolyte Delehaye (1859–1941), who resumed in his single person many of the characteristic qualities of the heroic age of the *Acta*. For a quarter of a century Delehaye was doyen of the group, and the Bollandist *par excellence*, and was hailed as such by the whole world of learning. Besides his work on the bibliographies, and what may be called his office work on the *Acta* and *Analecta*, Père Delehaye produced four classics of critical scholarship in his monumental edition of the Byzantine synaxary (1902), in his commentary on the martyrology of St. Jerome (1931), in his study of the Roman legendary (1936) and in the commentary, compiled by himself and his colleagues, on the Roman martyrology (1940),[1] while he broke fresh ground by contributing to the *Subsidia Hagiographica* three short books, penetrating in judgement and perfect in form, that found a public far wider than that of the *Acta* or the *Analecta*: *Les légendes hagiographiques* (1905), *Les*

[1] The various editions of the martyrologies may confuse a casual reader. The text of the vulgate version of the martyrology of Jerome was critically edited by Duchesne and de Rossi in 1894 for *Acta SS.*, t. II i Novembris. The martyrology itself was dismembered and reconstructed critically by Delehaye, and published (text by Dom H. Quentin, commentary by H. Delehaye) in 1931 as t. II ii Novembris. The commentary on the Roman martyrology, to which all the Bollandists of the day under Delehaye's leadership contributed, is the introductory volume to December, and appeared in 1940.

origines du culte des martyrs (1912) and *Les passions des martyrs et les genres littéraires* (1921).

The thirty years from 1882 onwards were indeed the most fruitful and pacific period that Bollandism had known since the partnership of Bolland and Henskens. From a shifting group of editors it had become, without losing anything of its intimate character, one of the institutions of the learned world of Europe. A fortunate accident of town-planning had meanwhile (1905) compelled a move from the cramped quarters of the city to spacious new buildings in the suburbs on a site designated by King Léopold II. The work of De Smedt and his colleagues had come to maturity, and there was hope of a steady production of the volumes of November.

Once more, however, a deadly blow fell, though this time through agencies entirely external. The invasion of Belgium by the Germans and the subsequent occupation (1914–18) paralysed work and cut the Bollandists off from all friendly intercourse with scholars. Recruitment was impossible; Van Ortroy died in 1917 and Delehaye, in common with many Belgian clerics, took a considerable part in anti-German propaganda and intelligence. He was arrested and fined in 1916, and when, with a contemptuous disregard of the German police, he continued his activities, he was again arrested and after an imprisonment of three months was tried on a capital charge, from which he escaped with a long sentence of hard labour. His confinement ceased shortly before the Armistice, but when he returned to the Boulevard Saint-Michel Bollandism was again almost extinct. Undismayed, he gathered his colleagues round him once more, the Bollandists of yesterday and to-day, and in 1925 he was able to publish volume IV of November. The two decades between the Wars were a time of harvest as well as cultivation, and Delehaye had the satisfaction of completing, with the assistance of his colleagues, the great commentary on the Roman martyrology, which appeared as the introductory volume (or *Propylaeum*) to December. It was despatched to press in May, 1940, only three days before the second German invasion of Belgium. Delehaye lived to see disaster once more threaten his work, and died while his country was once again severed from part at least of the Western world, but this time Belgium suffered less than many of the other countries overrun by the German armies; the *Analecta*

remained in production, and Bollandism since 1945 has continued firmly to maintain the position that it first attained sixty years ago.

With Delehaye we have reached our own times, but before concluding two more Bollandists may be mentioned. The first is Paul Peeters (1870–1950), a scholar of mingled French and Belgian ancestry. Peeters, who as a young man was a brilliant classic and humanist, early showed himself endowed with the gift of tongues and turned to the East, where he proceeded from Arabic and Syriac to Coptic and Armenian and the still more unfamiliar Georgian. His life-work was to add the confines of oriental Christianity to Bollandism, and to resolve the many problems of literary parentage and provenance that surround the records of the native saints. Besides a ceaseless output of texts and studies, Peeters added a third great bibliography, the *Bibliotheca hagiographica orientalis*, to the Bollandist family, and established himself as one of the most notable orientalists in western Europe. It is for the specialist to appreciate and for the profane to admire such work. Père Peeters, however, the life-long admirer of Saint-Simon and Sainte-Beuve, remained always a humanist, a stylist, and a keen and sympathetic observer of men. It is to him that we are beholden, not only for an exquisitely balanced account of Bollandism presented in racy and idiomatic language, but also for a gallery of portraits of his confrères which, besides their value as documents in the history of scholarship, are masterpieces of delicate observation conveyed with an urbanity and sureness of touch which place them high among examples of the genre in modern French literature. In his turn Père Peeters received the meed of praise in the *Analecta*, though from a pen less golden and less airily poised than his own.

Secondly and lastly, I would mention a living Bollandist, who learnt a part of his trade at the feet of R. L. Poole at Oxford, and whom we are honoured to reckon among our Corresponding Fellows. Père Paul Grosjean has long made Britannia his province, but his peculiar domain is with the multitudinous saints of the Britons and Bretons of the west, and in the twilight of Cymru and Eire. Even while we speak of him he may be pursuing the elusive Gildas or watching with Pangur Bán the darting mice of the *Hisperica Famina*.

Those who have followed the long story of the Bollandists may

pause at the end to assemble their reflections. The most remarkable feature of the Society would seem to be its obstinate survival as a recognizable and active agency of scholarship that has kept its identity unchanged, and has again and again been blessed in a crisis by the uncovenanted gift of genius. There is indeed nothing in the learned world quite like it. The only other small and 'immortal' group at all comparable is the knot of French scholars, who, after two and a half centuries, have carried down the history of French literature almost to the age of Villon. They, however, differ in many ways from the Bollandists. They are neither the descendants nor the heirs, but only the continuators, of the Maurists who began the project. They are not scholars who have been initiated in their task by slow degrees, but experts who have been chosen precisely by reason of their competence in a particular field. And, finally, that field is itself a specialized one; they do not have to cover the whole world and the whole Christian era. The Bollandists on the other hand have never been more than six strong, and their numbers for long periods have stood at four or three. Setting aside mere birds of passage or extraneous assistants, there cannot have been, all told, more than sixty or seventy Bollandists *de métier*. An undertaking that hangs on the destinies of four or five men would seem a bad risk for the actuaries, yet again and again the dying flame has found new fuel and once, when extinguished, was rekindled to burn more brightly than before. It has never been saved by a *coup d'état* or a massive transfusion of blood.

The second reflection will perhaps be that Bollandists from first to last have borne something of a family resemblance. They have all sprung from that mingled stock that for centuries has populated the citied region between Rhine and Aisne—a stock of which part is gifted beyond the ordinary with industry and perseverance, while another part inherits the clarity of France and the sun of Burgundy. It is a region that from the days of Erasmus and Latomus to those of Cumont and Pirenne has produced a succession of great scholars and humanists. The Bollandists have all been disciplined by the firm classical culture upon which has been grafted the tradition of French letters. They have all passed through the Jesuit noviciate and clericate and theologate with its years of teaching, and finally all have by long habit acquired the final family likeness of the Museum Bollandianum.

Of all these influences perhaps the one that has kept the Bollandists firm at their post and faithful to their ideal has been the Jesuit dedication and the conviction that their work, the attainment and presentation of one facet of the truth and beauty of the heavenly Jerusalem, is essentially worth all the pains it may cost.

And finally, what is the future of Bollandism? The open road, at least, will always stretch before them. The race of the saints will never become extinct, and when the Bollandists of the twenty-first century have reached St. Sylvester—not an inappropriate *revenant* to meet our unborn Papebroch at the close of the Bollandist cycle—January will open up its all-but-virgin pages once more. Can half a dozen individuals drawn from the provinces of a single nation within a single religious order cope with a task growing ever more vast, in a world where historical undertakings of far less magnitude occupy the energies of a whole Institute with a regiment of typists? Doubtless the Society of Jesus, if put to it, could lay on, as they say, an Institute that would not disgrace Ann Arbor or Dumbarton Oaks, but it would no longer be the Museum Bollandianum. And then, are not others now doing the work? The religious orders, the Catholic universities, medievalists and byzantinists throughout the world are publishing lives of the saints in abundance. How can the Bollandists survive? And are there not problems, other than the purely technical and critical, that await the hagiographer of to-day and to-morrow? Must he not examine the frontiers of natural and supernatural activity, and delimit the functions of the psychologist and of the mystical theologian?

We may ask these questions, but we cannot answer them, and as historians we need not try to do so. We may be allowed to end with the Vergilian wish: *stet fortuna domus, et avi numerentur avorum.*

ROYAL HISTORICAL SOCIETY

REPORT OF COUNCIL. SESSION 1956–57

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows:

Council record with regard the deaths of two former officers of the Society, Miss M. B. Curran, the Assistant Secretary and Librarian from 1901 to 1943, to whose services tribute was paid in the Report of Council for 1942–43, and M. H. I. Letts, who, though not a Fellow at the time of his death, having resigned in 1950, served the Society, as recorded in the Report of Council for 1948–49, as Honorary Treasurer from 1939 to 1949.

At the Anniversary Meeting on 8 December, 1956, Professor the Rev. M. D. Knowles was elected President on the expiry of the term of office of Professor H. Hale Bellot. This brought to an end the very long period during which Professor Bellot had served the Society as member of Council (1931–34), Honorary Secretary (1934–52) and President (1952–56). As Hon. Secretary he was responsible for all the arrangements connected with Sir George Prothero's bequest of books and funds, as also for conducting the removal of the Society from Russell Square to Cheyne Walk, and for meeting all the many difficulties of the years of war. The series of *Guides and Handbooks* owed its origin in great part to him, and the bibliography *Writings on British History* was entirely due to his initiative. Though it is not customary to take note of the services rendered by retiring Presidents, it seemed well to remind Fellows of their great obligation to Professor Bellot for what he has accomplished on their behalf over a period of more than twenty years.

The last Report made reference to the grant of $96,000 from the Ford Foundation for work on the bibliographies of British history. Dr. Edgar P. Graves has been appointed to prepare the new edition of C. Gross, *Sources and Literature of English History*

from the Earliest Times to about 1485. A good start has been made in collecting the material for *Writings on British History, 1901–1933*, undertaken, as the previous Report stated, by the Royal Historical Society. The Council look forward to the publication in the course of the next session of *Writings on British History, 1940–1945*, and of the new edition of Conyers Read, *Bibliography of British History: Tudor Period, 1485–1603*. Dr. Helen M. Cam continues to represent the Society on the joint Anglo-American Committee charged with the general supervision of the Ford Foundation's grant. Sir Maurice Powicke and Sir Frank Stenton continue to serve on behalf of the Society on the editorial committee for the new edition of Gross.

The representation of the Society upon various other bodies during the session was as follows: Professor W. Rees served on the National Co-operating Body for the Social Sciences (for the purposes of Unesco); Professor J. G. Edwards (or, in the event of his being unable to attend a meeting, T. F. Reddaway) on the Advisory Council on the Export of Works of Art; Professor Margaret Deanesly, Professor A. Goodwin and Professor R. Pares on the British National Committee of the International Historical Congress; Professor J. G. Edwards on the Council of the British Records Association; T. F. Reddaway on the Standing Conference for Local History; Professor V. H. Galbraith on the Advisory Committee appointed by the Minister of Town and Country Planning to supervise the listing of buildings of special architectural and historical interest; and Professor W. N. Medlicott on the Committee to advise the publishers of the Annual Register. P. Grierson continues to represent the Society upon a committee to regulate British co-operation in the preparation of a new Repertory of Mediaeval Sources to take the place of Potthast's *Bibliotheca Historica Medii Aevi*, and also represents the Society upon a committee formed under the chairmanship of Sir Frank Stenton to promote the publication of photographic records of the more significant collections of English coins. Professor W. N. Medlicott represents the Society on the Court of the University of Exeter. The President and Professor S. T. Bindoff were nominated to represent the Society at the Anglo-American Historical Conference held in London in July, 1957.

Transactions, Fifth Series, Volume 7, was issued during the session. Work has continued on the revision of the *Handbook of British Chronology*. The following volumes are in the press: *The chronicle of Walter of Guisborough*, edited by Professor H. Rothwell; a *Camden Miscellany*, composed of *The chronicle attributed to John of Wallingford*, edited by R. Vaughan, and the *Journal of events during the Gladstone ministry (1868–74), by the Earl of Kimberley*, edited by Ethel Drus; *Texts and calendars*, edited by E. L. C. Mullins. Council have provisionally approved for future publication in the *Camden Series* the following manuscripts: *The parliamentary diary of Sir Edward Knatchbull*, to be edited by A. N. Newman; *The writs and letters of Walter de Wenlok, abbot of Westminster, 1283–1307*, to be edited by Barbara Harvey, *36 indentures of general retinue service between John of Gaunt and various knights and squires, 1367 to 1396*, to be edited by Dr. N. B. Lewis; the *Earldom of Hereford charters*, to be edited by Dr. D. Walker. The following manuscripts, having been accepted for publication elsewhere, have been withdrawn from the list of provisional acceptances: *Proceedings under the Dictum de Kenilworth*, edited by Professor R. F. Treharne; *The political correspondence of Mr. Gladstone and Lord Granville, 1877–1885*, edited by Agatha Ramm; *Household ordinances of the fifteenth century*, edited by A. R. Myers; the *Bibliography of medieval cartularies*, edited by G. R. C. Davis.

Council have approved an increase in the prices of *Transactions*, *Camden Series*, the *Guide to the national and provincial directories* and the *Handbook of Oriental History*.

The following papers were read during the session 1956–57:

'The Folvilles of Ashby Folville and their associates in crime, 1326–1347.' By Professor E. L. G. Stones. (13 October, 1956.)

'The organisation of cabinet government in the reign of Queen Anne.' By Dr. J. H. Plumb. (10 November, 1956.)

'The constitutional development of the great lordships of South Wales.' By Professor A. J. Otway-Ruthven. (12 January, 1957.)

'Dr. Joseph Priestley, John Wilkinson and the French Revolution, 1789–1802.' By Dr. W. H. Chaloner. (9 February, 1957.)

'Origins and early history of the Communist Party of Great Britain.' By Dr. Henry Pelling. (9 March, 1957.)

'The origin of the manor in England.' By T. H. Aston. (11 May, 1957.)

The President, Professor H. Hale Bellot, delivered an address at the Anniversary Meeting on 8 December, 1956, on 'The literature of the last half-century on the constitutional history of the United States'. The Alexander Prize was awarded to Dr. R. F. Hunnisett for his essay on 'The origins of the office of Coroner'. The essay was read at the meeting on 15 June, 1957. A *proxime accessit* was awarded to A. T. Luttrell for his essay on 'Juan Fernandez de Heredia and the Hospitallers in Greece, 1378–1381'. The annual garden party was held on 13 July, 1957.

At the Anniversary Meeting on 8 December, 1956, the Vice-Presidents retiring under By-law XVII were Professor D. C. Douglas and Professor the Rev. M. D. Knowles. Professor C. R. Cheney and Dr. D. L. Evans were elected to fill the vacancies. The members of Council retiring under By-law XVII were Professor G. S. Graham, H. C. Johnson, Miss K. Major and Professor G. R. Potter. A further vacancy was caused by the resignation of Professor R. B. Wernham. Professor C. N. L. Brooke, Professor E. M. Carus-Wilson, R. H. C. Davis, Professor D. B. Quinn and Professor M. A. Thomson were elected to fill the vacancies. Messrs. C. Ryland Beeby, Harmar & Co. were appointed auditors for the year 1956–57.

Council record with regret the deaths of 18 Fellows, 1 Associate and 1 Corresponding Member. Amongst these, Council would mention specially R. L. Atkinson, a member of Council from 1949 to 1953; the Rev. J. M. Thompson, a Vice-President from 1940 to 1943; and J. E. Uriburu, a Corresponding Member since 1932. 9 Fellows and 2 Libraries have resigned. 6 Fellows and 3 Associates have been removed from the Roll. 18 Fellows and 9 Associates have been elected and 6 Libraries have been admitted as Subscribing Libraries. 2 Fellows have been re-elected and 6 Associates have been elected to the Fellowship. The membership of the Society on 30 June, 1957, was 746 Fellows, 38 Corresponding Members, and 110 Associates. Of the Fellows, 245 were life members. The Subscribing Libraries numbered 418. 24 Societies, British and foreign, exchanged their publications with those of the Royal Historical Society.

The Treasurer reports that the income of the Society for the year 1 July, 1956, to 30 June, 1957, exceeded the expenditure

chargeable against it by £296 12s. 8d. This surplus has been allocated to Publications. The sum of £1,746 12s. 8d. has thus been granted for Publications, as against £1,597 11s. 11d. in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publication Fund of £2,057 19s. 11d., compared with £1,973 5s. 6d. The cost (£53 10s. 0d.) of warehousing the stock of publications, formerly charged to establishment expenses, has been charged to the Publications account.

ROYAL HISTORICAL SOCIETY

I.—Income and Expenditure Account for the Year ended 30 June 1957

Dr. *Cr.*

1956	*Expenditure*	£ s. d.	£ s. d.
	Establishment Expenses		
202	Rent—96, Cheyne Walk	£197 2 0	
49	Rent—Warehousing of Stock	– – –	
120	Rates	69 17 4	
25	Insurances, *less* Commission	25 1 9	
20	Repairs	10 16 1	
39	Furniture and Fittings	– – –	
64	Wages	59 4 0	
28	Extra Service and Cleaning	24 11 4	
36	Lighting and Heating	23 0 9	
13	National Insurance	11 11 1	
12	Catering	13 2 3	
2	Sundries	8 17 0	
610			443 3 7
	Secretarial and Administrative Expenses		
500	Salary	500 0 0	
50	Superannuation	50 0 0	
276	Assistant Secretary's Salary	234 6 8	
26	National Insurance	25 1 6	
121	General Printing and Stationery (*less* Sales of Official Pamphlet, £1 8s. 0d.)	144 9 2	
42	Accountancy and Audit	47 5 0	
56	Postages	64 10 6	
17	Telephone	16 18 11	
31	Sundries	30 3 9	
1,119			1,112 15 6
	Other Charges		
—	Alexander Prize Medal	4 5 0	
1	Friends of National Libraries	1 1 0	
1	British Records Association	1 0 0	
16	British National Committee of the International Congress of Historical Sciences	15 15 0	
5	Rome Exhibition Expenses	– – –	
23			22 1 0
140	**Library**—Grant		140 0 0
50	**Contingencies Reserve Fund**—Grant		50 0 0
	Publications		
137	Director's Honorarium	130 0 0	
62	Other Secretarial Expenses	70 0 0	
	Publications Account:		
1,280	Grant	1,450 0 0	
375	Proceeds from Sales (*per contra*) transferred	311 7 3	
350	Writings on British History—Grant	350 0 0	
2,205			2,311 7 3
	Balance, being Excess of Income over Expenditure for the year transferred as a further grant for Publications		4,079 7 4
318			296 12 8

1956	*Income*	£ s. d.	£ s. d.
	Subscriptions		
	Received for 1957:		
114	Associates	£118 13 0	
1,219	Libraries	1,198 4 3	
1,526	Fellows	1,520 17 3	
2,859			2,837 14 6
113	Arrears of Subscriptions received		71 4 4
190	Life Subscriptions	130 19 0	
107	*Less* Proportion required by By-Law IX to be invested	63 18 0	
83			40 1 0
	Interest and Dividends		
272	From General Investments	336 6 8	
731	From Sir George W. Prothero Bequest	725 14 5	
19	Bank Interest	40 8 10	
1,022			1,102 9 11
	Royalties		
12	From Sir George W. Prothero Bequest		13 3 0
376	**Sales of Publications**		311 7 3

ROYAL HISTORICAL SOCIETY

II.—Balance Sheet 30 June 1957

1956		£ s. d.	1956		£ s. d.	£ s. d.
£	Funds		£	Investments		
	Balances at 30th June 1957 as per		6,477	General Account . . £6,977 10 9		
27,064	Account III	28,635 8 7		(Market Value at 30th June 1957, £7,310 8s. 0d.)		
			20,326	Sir George W. Prothero Bequest . . . 20,283 7 7		
				(Market Value at 30th June 1957, £15,320 9s. 6d.)		
179	Subscriptions received in advance .	198 19 9	26,803			27,260 18 4
	Investment Reserve Account			Current Assets		
353	As at 30th June 1956 . . .	353 0 8		Balances at Bank:		
			362	Current Accounts . . 447 2 3		
			5	Deposit Account . . 1,333 15 9		
			22	Post Office Savings Bank 22 14 3		
			400	London Trustee Savings Bank . . . 120 12 1		
			4	Cash in Hand . . 2 6 4		
			793			1,926 10 8
				Note: The Society also owns Library Furniture and Office Equipment at 96, Cheyne Walk, Chelsea, and a Stock of its own publications, the cost of which has been written off to Income and Expenditure Account.		
£27,596		£29,187 9 0	£27,596			£29,187 9 0

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the books and vouchers of the Society.

We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and explanations given to us, and as shown by the Books of the Society.

C. RYLAND BEEBY, HARMAR & CO.,
Chartered Accountants, Auditors.

119/125, Finsbury Pavement, London, E.C.2.
26th September, 1957.

ROYAL HISTORICAL SOCIETY

III.—Statement of Funds 30 June 1957

	Balance at the Beginning of the year. £ s. d.	Grants and Additions during the year. £ s. d.	Expenditure and Withdrawals during the year. £ s. d.	Balance at the End of the year. £ s. d.
The Sir George W. Prothero Bequest	20,355 14 0	—	(*a*) 58 15 9	20,296 18 3
Life Subscription Fund	3,164 0 0	(*b*) 63 18 0	(*c*) 91 6 0	3,136 12 0
Contingencies Reserve Fund (formerly Lease Renewal Fund)	337 15 4	(*c*) 91 6 0		
		(*d*) 231 4 6	—	710 5 10
		(*e*) 50 0 0		
Pension Fund	256 4 6	—	(*d*) 231 4 6	—
			(*f*) 25 0 0	
Library Fund *Overspent*	11 13 5	(*g*) 281 7 11	178 1 0	91 13 6
Publications Fund (*h*)	1,679 9 1	2,057 19 11	877 17 10	2,859 11 2
Writings on British History Fund	272 12 3	(*i*) 350 0 0	92 6 2	530 6 1
General Fund	1,010 1 9	—	—	1,010 1 9
	£27,064 3 6	£3,125 16 4	£1,554 11 3	£28,635 8 7

REFERENCES

(*a*) Loss on change of Investment.
(*b*) Proportion of Life Subscriptions received in 1957 and required by By-Law IX to be invested.
(*c*) Proportion of Life Subscription transferred in accordance with By-Law IX to Contingencies Reserve Fund.
(*d*) Balance of Pension Fund transferred to Contingencies Reserve Fund.
(*e*) Grant for the year.
(*f*) Payment to the Executors of Miss M. B. Curran
(*g*) £141 7s. 11d. proceeds from Sales during the year, *plus* £140 Grant for the year.
(*h*) See Account IV.
(*i*) Grant for the year.

ROYAL HISTORICAL SOCIETY

IV.—Publications Account for the Year ended 30 June 1957

Dr. *Cr.*

	£ s. d.		£ s. d.
To Payments made during the year:		By Balance of Allocations at 30th June 1956, brought forward	1,679 9 1
Transactions:		„ Allocation for Publications, 1956/57:	
Vol. VI—Offprints	36 1 11	Grants £1,746 12 8	
Vol. VII (issued for 1955–56)	630 4 6	Proceeds of Sales (as per Income and Expenditure Account) 311 7 3	
Texts and Calendars—Payments on account	115 0 0		2,057 19 11
Volumes bought to replace Stock	22 5 3		
Warehousing of Stock	53 10 0		
Sundry Postages, Packing and Expenses	20 16 2		
	877 17 10		
„ Balance of Allocations at 30th June 1957 (required to meet cost of publications due to subscribers at date of account)	2,859 11 2		
	£3,737 9 0		£3,737 9 0

THE DAVID BERRY TRUST

Receipts and Payments Account for the Year ended 30 June 1957

Receipts

				£	s.	d.
To Balance in Hand, 30th June 1956, brought forward from last Account, viz:						
Cash at Bank: Current Account		£3	16	5		
Post Office Savings Bank		53	2	4		
Cash in Hand			15	1		
£100 3% Defence Bonds (at cost)		100	0	0		
£200 2½% Defence Bonds (at cost)		200	0	0		
				357	13	10
„ Dividends on Investments per Charity Commissioners				35	14	8
„ Interest on £200 2½% Defence Bonds				5	0	0
„ Interest on £100 3½% Defence Bonds				3	10	0
„ Post Office Savings Bank Account				1	9	7
				£403	8	1

Payments

				£	s.	d.
By Printing and Postages				3	3	1
„ Balance in Hand—30th June 1957, carried forward, viz:						
Cash at Bank: Current Account	£45	5	6			
Post Office Savings Bank	54	11	11			
Cash in Hand		7	7			
£100 3½% Defence Bonds (at cost)	100	0	0			
£200 2½% Defence Bonds (at cost)	200	0	0			
				400	5	0
				£403	8	1

We have examined the above Account and find it correct.

119/125, Finsbury Pavement, London, E.C.2.
26th September, 1957.

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The late David Berry, by his Will dated the 23rd day of April 1926, left £1,000 to provide in every three years a gold medal and prize money for the best essay on the Earl of Bothwell or, at the discretion of the Trustees, on Scottish History of the James Stuarts I to VI in memory of his father, the late Rev. David Berry.

The Trust is now regulated by a scheme sanctioned by the Chancery Division of the High Court of Justice dated 23rd day of January 1930 and made in an Action 1927 A. 1233 David Anderson Berry deceased, Hunter and another v. Robertson and another.

This Society is now the Trustee, and the investment held on Capital Account consists of £634 17s. 2d. 3½% Conversion Stock and £540 13s. 2d. Treasury 2½% Stock 1975.

The Trustee will in every second year of the three-year period advertise in *The Times* inviting essays.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a silver medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 31 January 1958. The detailed regulations should be obtained in advance from the Secretary.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1957)[1]

1898. F. Hermia Durham ('The relations of the Crown to trade under James I').
1899. W. F. Lord, B.A. ('The development of political parties in the reign of Queen Anne').
1901. Laura M. Roberts ('The Peace of Lunéville').
1902. V. B. Redstone ('The social condition of England during the Wars of the Roses').
1903. Rose Graham ('The intellectual influence of English monasticism between the tenth and twelfth centuries').
1904. Enid W. G. Routh ('The balance of power in the seventeenth century').
1905. W. A. P. Mason, M.A. ('The beginnings of the Cistercian Order').
1906. Rachel R. Reid, M.A. ('The Rebellion of the Earls, 1569').
1908. Kate Hotblack ('The Peace of Paris, 1763').
1909. Nellie Nield, M.A. ('The social and economic condition of the unfree classes in England in the twelfth and thirteenth centuries').
1912. H. G. Richardson ('The parish clergy of the thirteenth and fourteenth centuries').
1917. Isobel D. Thornley, B.A. ('The treason legislation of 1531–1534').
1918. T. F. T. Plucknett, B.A. ('The place of the Council in the fifteenth century').
1919. Edna F. White, M.A. ('The jurisdiction of the Privy Council under the Tudors').
1920. J. E. Neale, M.A. ('The Commons Journals of the Tudor Period').
1922. Eveline C. Martin ('The English establishments on the Gold Coast in the second half of the eighteenth century').

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948, 1956. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1923. E. W. Hensman, M.A. ('The Civil War of 1648 in the east midlands').
1924. Grace Stretton, B.A. ('Some aspects of mediæval travel').
1925. F. A. Mace, M.A. ('Devonshire ports in the fourteenth and fifteenth centuries').
1926. Marian J. Tooley, M.A. ('The authorship of the *Defensor Pacis*').
1927. W. A. Pantin, B.A. ('Chapters of the English Black Monks, 1215–1540').
1928. Gladys A. Thornton, B.A., Ph.D. ('A study in the history of Clare, Suffolk, with special reference to its development as a borough').
1929. F. S. Rodkey, A.M., Ph.D. ('Lord Palmerston's policy for the rejuvenation of Turkey, 1839–47').
1930. A. A. Ettinger, D.Phil. ('The proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain').
1931. Kathleen A. Walpole, M.A. ('The humanitarian movement of the early nineteenth century to remedy abuses on emigrant vessels to America').
1932. Dorothy M. Brodie, B.A. ('Edmund Dudley, minister of Henry VII').
1933. R. W. Southern, B.A. ('Ranulf Flambard and early Anglo-Norman administration').
1934. S. B. Chrimes, M.A., Ph.D. ('Sir John Fortescue and his theory of dominion').
1935. S. T. Bindoff, M.A. ('The unreformed diplomatic service, 1812–60').
1936. Rosamond J. Mitchell, M.A., B.Litt. ('English students at Padua, 1460–1475').
1937. C. H. Philips, B.A. ('The East India Company "Interest", and the English Government, 1783–4').
1938. H. E. I. Phillips, B.A. ('The last years of the Court of Star Chamber, 1630–41').
1939. Hilda P. Grieve, B.A. ('The deprived married clergy in Essex, 1553–61').
1940. R. Somerville, M.A. ('The Duchy of Lancaster Council and Court of Duchy Chamber').
1941. R. A. L. Smith, M.A., Ph.D. ('The *Regimen Scaccarii* in English monasteries').
1942. F. L. Carsten, D.Phil. ('Medieval democracy in the Brandenburg towns and its defeat in the fifteenth century').
1944. Rev. E. W. Kemp, B.D. ('Pope Alexander III and the canonization of saints').
1945. Helen Suggett, B.Litt. ('The use of French in England in the later middle ages').
1947. June Milne, B.A. ('The diplomacy of Dr. John Robinson at the court of Charles XII of Sweden, 1697–1709').
1949. Ethel Drus, M.A. ('The attitude of the Colonial Office to the annexation of Fiji').
1950. Doreen J. Milne, M.A., Ph.D. ('The results of the Rye House Plot, and their influence upon the Revolution of 1688').
1951. K. G. Davies, B.A. ('The origins of the commission system in the West India trade').

1952. G. W. S. Barrow, B.Litt. ('Scottish rulers and the religious orders, 1070–1153').
1953. W. E. Minchinton, B.Sc.(Econ.) ('Bristol—metropolis of the west in the eighteenth century').
1954. Rev. L. Boyle, O.P. ('The *Oculus Sacerdotis* and some other works of William of Pagula').
1955 G. F. E. Rudé, M.A., Ph.D. ('The Gordon riots: a study of the rioters and their victims').
1957. R. F. Hunnisett, M.A., D.Phil. ('The origins of the office of Coroner').

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a gold medal and money prize awarded every three years for Scottish history. Candidates may select any subject dealing with Scottish history within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the essay. It must be sent in on or before 31 October 1958.

LIST OF DAVID BERRY PRIZE ESSAYISTS (1937–1955)[1]

1937. G. Donaldson, M.A. ('The polity of the Scottish Reformed Church *c.* 1560–1580, and the rise of the Presbyterian movement').
1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ('Anglo-Scottish religious relations, 1400–1600').
1949. T. Bedford Franklin, M.A., F.R.S.E. ('Monastic agriculture in Scotland, 1440–1600').
1955. W. A. McNeill, M.A. (' "Estaytt" of the king's rents and pensions, 1621').

[1] No Essays were submitted in 1940. No awards were made in 1946 and 1952.

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In future this will only be printed in *Transactions* every fourth year. For the lists complete to 31 December 1955 see *Transactions*, fifth series, vol. VI (1956), 205–242.

TRANSACTIONS AND PUBLICATIONS
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The annual publications of the Society issued to Fellows and Subscribing Libraries include the *Transactions*, supplemented since 1897 by a continuation of the publications of the Camden Society (1838–1897) as the *Camden series*, and since 1937 by a series of *Guides and handbooks*. The Society has also issued from time to time certain miscellaneous publications, has published since 1937 an annual bibliography of *Writings on British history*, and is publishing in conjunction with the American Historical Association a series of *Bibliographies of British history*. Additional copies of the *Transactions*, the *Camden series*, the *Guides and handbooks*, and the 'Miscellaneous publications' may be obtained by Fellows and Subscribing Libraries at the prices stated below. The series of annual bibliographies of *Writings on British history* and the *Bibliographies of British history* are not included among the volumes issued to subscribers, but may be obtained by them through the Society, at the special prices stated below, upon application to the Secretary, Royal Historical Society, 96 Cheyne Walk, S.W.10. Associates, while receiving only the *Transactions* in return for their subscription, are entitled to purchase at a reduction of 25 per cent one copy of other volumes issued to Fellows and Subscribing Libraries and one copy of each of the volumes of the *Writings on British history* and the *Bibliographies of British history* at the special price.

The *Transactions* and the *Camden series* are not available on sale to the public. Copies of the 'Miscellaneous publications' and of *Guides and handbooks* may be had at the stated prices on application to the Secretary, or through the booksellers. The *Writings* and the *Bibliographies of British history* may be obtained from the publishers or through the booksellers.

TRANSACTIONS*

Old series, 1872–1882. Vols. I to X.
New series, 1884–1906. Vols. I to XX.
Third series, 1907–1917. Vols. I to XI.
Fourth series, 1918–1950. Vols. I to XXXII.
Fifth series, 1951– . Vols. I–VII.

MISCELLANEOUS PUBLICATIONS

†Domesday commemoration. Notes on the manuscripts, etc., exhibited at the Public Record Office. 1886. 6s. 6d.

* Vols. 1, 2, 3, 4, 5, 7, 9 and 10 of the Old series, vols. 1, 3 and 10 of the New series and vol. 9 of the Third series are out of print. New series vols. 2 and 19 and Fourth series vols. 1 and 4 are only supplied by special leave of the Council. Others are supplied at 15s. each volume. The earliest volumes of the *Transactions* were issued to Fellows in unbound parts. Any discrepancies in the lettering of bound volumes during these periods are doubtless due to this.

† Out of print.

Domesday studies. 2 vols. Edited by P. E. Dove. 1886. 32s.

†England and Napoleon in 1803: being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 10s.

Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 16s.

Proceedings of the Gibbon commemoration 1794–1894. 1895. 6s. 6d.

The Domesday of Inclosures, 1517–18. Edited by I. S. Leadam. 2 vols. 1897. 40s.

†A bibliography of the historical works of Mandell Creighton, William Stubbs, S. R. Gardiner and John, Lord Acton. Edited by W. A. Shaw. 1903. 6s. 6d.

German opinion and German policy before the War. By G. W. Prothero. 1916. 5s. 6d.

Magna Carta commemoration essays. With preface by the Right Hon. Viscount Bryce. Edited by H. E. Malden. 1917. 33s. 6d.

*A repertory of British archives. Part I. England. Compiled by Hubert Hall. 1920. 10s. 6d.

*A list and index of the Transactions and publications of the Royal Historical Society (1869–1924) and of the publications of the Camden Society (1840–1897). Edited by Hubert Hall. 1925. 5s.

The *Domesday monachorum* of Christ Church, Canterbury. 1944. 30s.

BIBLIOGRAPHIES ISSUED IN CONJUNCTION WITH THE AMERICAN HISTORICAL ASSOCIATION

Bibliography of British history: Tudor period, 1485–1603. Edited by Conyers Read. 1933. Oxford Univ. Press, 35s. (Special price, 24s.) (Out of print.)

Bibliography of British history: Stuart period, 1603–1714. Edited by Godfrey Davies. 1928. Oxford Univ. Press, 25s. (Special price, 19s. 6d.) (Out of print.)

Bibliography of British history: 1714–1789. Edited by S. M. Pargellis and D. J. Medley. 1951. Oxford Univ. Press, 42s. (Special price, 32s. 6d.)

ANNUAL BIBLIOGRAPHIES

Writings on British history, 1934. Compiled by A. T. Milne. 1937. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1935. Compiled by A. T. Milne. 1939. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1936. Compiled by A. T. Milne. 1940. London, Jonathan Cape, 12s. 6d. (Special price, 10s.)

Writings on British history, 1937. Compiled by A. T. Milne. 1949. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1938. Compiled by A. T. Milne. 1951. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1939. Compiled by A. T. Milne. 1953. London, Jonathan Cape, 21s. (Special price, 18s.)

Writings on British history, 1940–1945. 2 vols. Compiled by A. T. Milne. (*In the press.*)

GUIDES AND HANDBOOKS

1. Guide to English commercial statistics, 1696–1782. By G. N. Clark, with a catalogue of materials by Barbara M. Franks. 1938. 7s. 6d.

* Supplied only by special leave of Council. † Out of print.

†2. Handbook of British chronology. Edited by F. M. Powicke, with the assistance of Charles Johnson and W. J. Harte. 1939. 7s. 6d.
†3. Medieval libraries of Great Britain, an index of surviving books. Edited by N. R. Ker. 1941. 7s. 6d.
4. Handbook of dates for students of English history. By C. R. Cheney. 1955. 12s. 6d.
5. Guide to the national and provincial directories of England and Wales, excluding London, published before 1856. By Jane E. Norton. 1950. 18s.
6. Handbook of Oriental History. Edited by C. H. Philips. 1951. 18s.

Provisionally accepted for future publication:

List and index of parliamentary papers, 1700–1800. Edited by E. Wagstaff and A. T. Milne.

Texts and calendars: an analytical guide to serial publications. Edited by E. L. C. Mullins. (*In the press.*)

† Out of print.

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*3. Alliterative poem on the deposition of Richard II; Ricardi Maydiston de Concordia inter Ric. II et civitatem London. Edited by T. Wright. 1838.

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†6. The political songs of England, from the reign of John to Edward II. Edited and translated by T. Wright. 1839.

*7. Annals of the first four years of the reign of Queen Elizabeth, by Sir J. Hayward. Edited by J. Bruce. 1840.

8. Ecclesiastical documents: 1. A brief history of the bishoprick of Somerset from its foundation to 1174. 2. Charters from the library of Dr. Cox Macro. Published by the Rev. J. Hunter. 1840.

9. Speculi Britanniæ Pars: an historical and geographical description of the county of Essex, by John Norden, 1594. Edited by Sir H. Ellis. 1840.

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15. The chronicle of William de Rishanger, of the Barons' Wars. The miracles of Simon de Montfort. Edited by J. O. Halliwell. 1840.

*Of volumes marked with an asterisk but a few copies remain, and these are only supplied by special leave of the Council. Others may be had at the following prices: Old series, from 20s.; New series and Third series, from 15s. (*British diplomatic instructions*, 22s. 6d. each).

† Volumes marked with a dagger are out of print.

†16. The Latin poems commonly attributed to Walter Mapes. Edited by T. Wright. 1841.

17. The second book of the travels of Nicander Nucius, of Corcyra. Edited by Rev. J. A. Cramer. 1841.

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25. Promptorium parvulorum sive clericorum, Lexicon anglo-latinum princeps, auctore fratre Galfrido Grammatico dicto, e Predicatoribus Lenne Episcopi, Northfolciensi, A.D. *c.* 1440. Vol. I. Edited by A. Way. 1843. (*See* nos. 54 and 89.)

*26. Three chapters of letters relating to the suppression of monasteries. Edited by T. Wright. 1843.

27. Correspondence of Robert Dudley, earl of Leycester, during his government of the Low Countries 1585 and 1586. Edited by J. Bruce. 1844.

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29. Three books of Polydore Vergil's English history, comprising the reigns of Henry VI, Edward IV and Richard III. Edited by Sir H. Ellis. 1844. (*See* no. 36 and Third series, no. 74.)

30. The Thornton romances. The early English metrical romances of Perceval, Isumbras, Eglamour, and Degrevant. Edited by J. O. Halliwell. 1844.

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32. The autobiography of Sir John Bramston, K.B., of Skreens, in the hundred of Chelmsford. 1845.

33. Letters from James, earl of Perth, Lord Chancellor of Scotland, etc., to his sister the countess of Erroll, and other members of his family. Edited by W. Jerdan. 1845.

34. De antiquis legibus liber. Cronica maiorum et vicecomitum Londoniarum 1178–1274. By T. Stapleton. 1846.

35. The chronicle of Calais, in the reigns of Henry VII and Henry VIII, to 1540. Edited by J. G. Nichols. 1846.

36. Polydore Vergil's English history, prior to the Norman Conquest. Edited by Sir H. Ellis. 1846. (*See* no. 29 and Third series, no. 74.)

37. A relation, or rather a true account, of the isle of England, about 1500. Translated from the Italian by Charlotte Augusta Sneyd. 1847.

38. Documents relative to the foundation and antiquities of the collegiate church of Middleham, co. York, and incidental notices of the castle, neighbourhood and town. Edited by Rev. W. Atthill. 1847.

39. The Camden miscellany, Vol. I: 1. Register and chronicle of the abbey of Aberconway. Edited by Sir H. Ellis. 2. Chronicle of the rebellion in Lincolnshire in 1470. Edited by J. G. Nichols. 3. Bull of Pope Innocent VIII, on the marriage of Henry VII with Elizabeth of York. Communicated by J. P. Collier. 4. Journal of the siege of Rouen in 1591. By Sir T. Coningsby. Edited by J. G. Nichols. 5. Letter from George Fleetwood to his father, giving an account of the battle of Lutzen and the death of Gustavus Adolphus. Edited by Sir P. de Malpas Grey Egerton, Bart. 6. Diary of Dr. Edward Lake, archdeacon and prebendary of Exeter, etc., in 1677 and 1678. Edited by G. P. Elliott. 1847.

40. A commentary of the services and charges of William Lord Grey of Wilton, by his son Arthur Lord Grey of Wilton. Edited by Sir P. de Malpas Grey Egerton, Bart. 1847.

41. Diary of Walter Yonge, Justice of the Peace, and M.P. for Honiton, 1604 to 1628. Edited by G. Roberts. 1848.

42. The diary of Henry Machyn, citizen and Merchant Taylor of London, from 1550 to 1563. Edited by J. G. Nichols. 1848.

43. The visitation of the county of Huntingdon under the authority of William Camden, Clarenceux King of Arms, by his deputy Nicholas Charles, Lancaster Herald, 1613. Edited by Sir H. Ellis. 1849.

44. The obituary of Richard Smyth, secondary of the poultry Compter. London, 1627 to 1674. Edited by Sir H. Ellis. 1849.

45. Certaine considerations upon the government of England. By Sir Roger Twysden. Edited by J. M. Kemble. 1849.

46. Letters of Queen Elizabeth and James VI of Scotland. Edited by J. Bruce. 1849.

47. Chronicon Petroburgense. Edited by T. Stapleton. 1849.

48. The chronicle of Queen Jane, and of two years of Queen Mary and especially of the rebellion of Sir Thomas Wyat. Edited by J. G. Nichols. 1850.

49. Wills and inventories, from the registers of the commissary of Bury St. Edmunds and the archdeacon of Sudbury. Edited by S. Tymms. 1850.

50. Gualteri Mapes de nugis curialium distinctiones quinque. Edited by T. Wright. 1850.

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